CNR No: PHHC011717952026
2026:PHHC:206891

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-12383-2026
Date of Decision: 26.11.2026

SHUBHAM **... Petitioner**

VERSUS

U.T. CHANDIGARH & OTHERS **...Respondents**

Sr. No.	Particulars	Details
1.	The date when the judgment was reserved	27.10.2026
2.	The date when the judgment is pronounced	26.11.2026
3.	The date when the judgment is uploaded on the website	26.11.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rohit Sud, Advocate with
Mr. Ashish Rana, Advocate
Mr. Parampreet Singh Bajwa, Advocate
Mr. Harsh Chopra, Advocate
Mr. Suvir Sidhu, Advocate
Mr. A.S. Gujral, Advocate
Mr. Abhey Joshi, Advocate
Mr. Vivek Sharma, Advocate
Mr. Shubham Jha, Advocate
Mr. Amit Chadha, Advocate
Mr. Sunil Dahiya, Advocate
Mr. Ansul Bose, Advocate
Mr. Nitin Jain, Advocate
Mr. Jaswinder Singh Rana, Advocate
Mr. Vansh Chhabra, Advocate and
Mr. Gursher Singh Dhillon, Advocate
for the petitioner.

JITESH LAL
2026.11.26 17:27
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Mr. Manish Bansal, Public Prosecutor with
Mr. Shubham Mangla Addl. Public Prosecutor
Ms. Diksha Sharma, Advocate and
Mr. Dixit Bhardwaj, Advocate
Mr. Sarasmi Budhiraja, Advocate
for respondent Nos.1 to 4-U.T., Chandigarh.
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JASJIT SINGH BEDI, J.

The prayer in the present petition under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 (Section 482 Cr.P.C.) is for issuance of directions to respondents No. 1 to 4 to conduct a free, fair and impartial investigation in FIR No. 92 dated 08.07.2026 registered under Sections 126(2), 115(2), 118(1), 351(3) & 3(5) of BNS, 2023 (corresponding to Sections 341, 323, 324, 506 & 34 IPC) at Police Station Sector 34, Chandigarh, transfer the investigation to a Senior Officer and to provide adequate protection to the petitioner.

2. The brief facts of the case, as emanating from the pleadings are that on 01.07.2026 at about 09:30 PM, the petitioner, who is a practicing Advocate was strolling near his residence while on the phone. He noticed a black car bearing Registration No.CH01CZ6272 parked on the slip road at an isolated spot. The petitioner passed the car and after a while, the driver of the car approached the petitioner and abused him, alleging that the petitioner was recording his video. The petitioner denied the allegations and handed over his phone to the said person, who on checking the same, returned it to the petitioner. However, the said person threatened the petitioner with dire consequences and fled away from the spot. On 02.07.2026 at about 07:45

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2026.11.26 17:27
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AM, the petitioner along with his brother Sanjay went to their gym for their daily workout. Inside the gym, the same person who had abused and threatened the petitioner on the previous night was present there along with co-accused respondent No.6-Nikhil. Respondent No.5-Hitesh with whom there had been an altercation the previous night, pointed out the petitioner to respondent No.6-Nikhil. They both started threatening the petitioner, alleging that he had recorded the video of respondent No.5-Hitesh. When the petitioner along with his brother Sanjay started leaving the gym and reached the entry/exit point of the gym, respondent No.5-Hitesh, who had threatened him on the previous night and co-accused respondent No.6-Nikhil approached him from behind. They both started assaulting the petitioner on the staircase. They dragged him to the ground floor while mercilessly beating him with fists and kick blows. Meanwhile, respondent No. 5-Hitesh, who had threatened the petitioner on the previous night, picked up a cemented paver block tile from the footpath and struck the petitioner on the left side of his head with an intention to kill him. Thereafter, respondent No.6-Nikhil punched the petitioner on his face, picked up a cemented paver block tile and struck the petitioner on his forehead. They also assaulted the petitioner's brother Sanjay by giving him fist blows. Thereafter, both respondent No.5-Hitesh and respondent No.6-Nikhil fled away from the spot. The petitioner was lifted by his brother and after regaining partial consciousness, he made a call to the PCR at No.112. It was then that the petitioner came to know from the gym

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2026.11.26 17:27
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staff members, who had witnessed the occurrence that the names of the assailants were respondent No.5-Hitesh (the person who had also threatened the petitioner on the previous night) and respondent No.6-Nikhil (Hitesh's friend).

3. The PCR team reached the spot and the petitioner was shifted to Civil Hospital, Sector 45, Chandigarh, where he was medically examined on 02.07.2026 at 08:24 AM. He was found to have received multiple injuries, including some on the head. The injuries sustained by the petitioner are as under:

Sr. No.	*Injuries*	*Marked*	*Injury Number*
1	*LACERATED WOUND FOREHEAD TOWARDS LEFT APROX 1.0 X 0.2 X 0.1*	*No*	*1*
2	*LACERATED WOUND FRONTO PARIETAL REGION LEFT SIDE APPROX 1.8 X 0.2 X 0.1*	*No*	*2*
3	*RED ABRASION OVER ANTERIOR ASPECT OF THORAX EXTENDED OVER MEDIASTINUM TO RIGHT PART OF THORAX SPREADED OVER a) APPROX 1.8 X 0.2 VERTICALLY RIGHT THORAX b) APPROX 0.5 X 0.2 MEDIASTINUM*	*No*	*3*
4	*MINOR RED ABRASIONS RIGHT SIDE LATERAL TO NECK a) APPROX 0.7 X 0.2 b) APPROX 0.3 X 0.2*	*No*	*4*
5	*MINOR RED ABRASION LEFT SIDE OF NECK LATERALLY APPROX 1.2 X 0.2*	*No*	*5*
6	*MINOR RED ABRASION RIGHT*	*No*	*6*

JITESH LAL
2026.11.26 17:27
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	SCAPULER REGION APPROX 0.8 X 0.2		
7	*MINOR RED ABRASION LEFT SCAPULAR REGION APPROX 0.5 X 0.2*	*No*	*7*

Nature of Injuries (Simple, Grievous, Dangerous or pending for observation
INJURIES 1 AND 2 RESERVED. NCCT HEAD SURGERY OPINION INJURIES 3, 4, 5, 6 AND 7 SIMPLE
Probable Duration of Injury
LESS THAN 6 HOURS
Kind of Weapon Used (Sharp, Blunt, Firearm, Fire, Poison etc)
RESERVED

Material Collected (details and number of seals)	
Sr. No.	*1. CLOTHING EXTERENAL AND INNER GARMENTS* *2. BLOOD SAMPLES TWO IN NUMBER PLAIN AND EDTA*

4. Thereafter, an opinion was obtained from the Emergency Medical Officer, Civil Hospital, Sector 45, Chandigarh on 02.07.2026 itself, who opined that the injuries received by the petitioner were simple in nature and the kind of weapon used was a blunt weapon.

5. The petitioner submitted a formal complaint to the SHO, PS Sector 34, Chandigarh on the same day, i.e. 02.07.2026 (Annexure P-5) at about 09:45 AM, seeking appropriate legal action to be taken against the accused. On the same day, the petitioner was called to the Police Station along with Hitesh and Nikhil for verification of the incident. At the Police Station itself, both Hitesh and Nikhil again started abusing and fighting with the petitioner and were controlled by the Investigating Officer with the help

JITESH LAL
2026.11.26 17:27
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of other police officials. However, the said persons remained adamant and kept abusing the petitioner and after seeing their conduct, the petitioner was asked to leave the Police Station.

6. On 03.07.2026, the petitioner along with his colleagues again visited the Police Station, Sector 34 to ascertain the status of the action taken on his complaint (Annexure P-5). He was orally informed that preventive proceedings under Sections 126 and 170 of the BNSS (107 and 151 Cr.P.C.) had been initiated against the accused. However, no FIR was registered despite the commission of cognizable offences. Being aggrieved by the inaction of the police, the petitioner submitted an online representation to the Home Secretary, Chandigarh and the Sr. Superintendent of Police, Chandigarh on 05.07.2026 and 06.07.2026, respectively. Yet another application was submitted on 07.07.2026 at the public window of the office of the Sr. Superintendent of Police, Chandigarh. However, no action was taken for registration of an FIR. It then transpired that respondent No. 5-Hitesh and respondent No.6-Nikhil were the sons of police personnel serving in the Chandigarh Police.

7. With the intervention of the members of the District Bar Association, Chandigarh based on the complaint dated 02.07.2026 (Annexure P-5), an FIR No. 92 U/s 126(2), 115(2), 118(1), 351(3) & 3(5) of BNS, 2023 (corresponding to Sections 341, 323, 324, 506 & 34 IPC), Police Station

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2026.11.26 17:27
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Sector 34, Chandigarh came to be registered on 08.07.2026 (Annexure P-1) and the same reads as under:

> *"To, SHO Sahib P.S Sector 34, Chandigarh, it is requested that I Sanjay S/o Late Sh. Karam Chand, R/o 2883, Sector 47-C, Live in Chandigarh with my family and work in private insurance. On 01.07.2026, I was at my home and at around 10:00 PM my younger brother Shubham told me that while he was taking a walk, he reached near Sampark Centre Sector 47, Chandigarh and was on a phone call, then a boy sitting in a Black colour Figo car no. CH01CZ6272 parked near Sampark Centre Sector 47 Chandigarh called him and said that you are making my video, then the boy sitting in the car took my brother Shubham's mobile phone and after checking it gave it back and said that I will see you in the gym and started abusing him. When my brother Shubham told me these things, I told him to ignore all these things. Then the next day on 02.07.2026, my brother and I reached Pro ultimate Fitness Gym Sector 46-C Chandigarh at around 7:30 AM as usual. As soon as we reached the gym, a boy wearing a black T-shirt singled my brother Shubham and my brother Shubham told me that the person who was with this man in black T-shirt and the boy in white T-shirt last night there was an altercation in the Black Figo car regarding making a video. After that, my brother and I went towards the boy in the black T-shirt on his signal. Both the boys started abusing us both. We protested and both of us started going back down to the gym. Then those two boys suddenly blocked our way near the stairs of the gym and started beating my brother Shubham and dragged my brother down the stairs while kicking him. I tried hard to free my brother from them, but at that very moment the boy in white T-shirt picked up a stone tile laying outside the*

JITESH LAL
2026.11.26 17:27
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showroom and hit my brother on the head saying that we will show you who we are. When I tired to save my brother from that boy, the boy in the black T-shirt also hit my brother on the head with the tile. My brother was drenched in blood and both the boys ran away from the spot. After that my brother called 112 and the ambulance and PCR arrived at the spot, so I took my brother to sector 45 civil hospital in the ambulance. After that I got my brother Shubham treated at sector 45 Hospital and sector 32 hospital. These two boys hit my brother on the head with a sharp stone tile and caused injuries. Both the boys also used to come to Pro Ultimate Fitness Gym, on enquiring from the gym, the name of the boy in white T-shirt was found to be Hitesh and the name of the boy in Black T-shirt was found to be Nikhil. Legal action should be taken against Hitesh and Nikhil. I can identify both those boys if they come forward. Thanks Sanjay S/o Late Sh. Karam Chand H. No. 2883 Sector 47-C, Chandigarh. D.O.B 28.07.1983, 9417790389 dated 08.07.2026. Police action: Today Sanjay S/o Late Sh. Karam Chand R/o H. No. 2883, Sector 47-C, UT, Chandigarh came to the police station and presented a written application to ASI regarding the fight that took place on 02.07.2026. On 02.07.2026."

8. While respondent No.5-Hitesh was absconding, respondent No.6-Nikhil sought the concession of anticipatory bail and his bail application came to be dismissed by the Court of Addl. Sessions Judge, Chandigarh vide order dated 16.07.2026 (Annexure P-6). The relevant extract of the order dated 16.07.2026 is as under:

"3. Learned counsel for the applicant-accused has argued that allegations applicant-accused are absolutely false and there is not even an iota of truth in the same. He submitted that in-fact

JITESH LAL
2026.11.26 17:27
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complainant and his brother (injured Shubham) were aggressors who initiated the fight, whereafter a scuffle took place, wherein Shubham received the injuries, as he fell down from the stairs. He submitted that there is nothing like any common intention to cause injuries, as has been alleged. Further, he submitted that under these circumstances when purposes of investigation can be served by making applicant-accused join the investigation, no useful purpose is going to be served by making him suffer custody of any kind, and accordingly present anticipatory bail application may be allowed.

4. Learned Public Prosecutor who is being assisted by learned counsel for the complainant argued that applicant-accused and his companion/companions in fact caused injuries to Shubham with sharp object (stone tile) with an intention to cause his death. They submitted that there is nothing like complainant and his brother namely Shubham initiating the fight or they being aggressors. They argued that under a premeditated plan, applicant-accused and his companions wrongfully restrained the complainant and his brother Shubham and thereafter, mercilessly beat them owing to which Shubham received the injuries in question, and under these circumstances, when without there being any instigation or provocation, applicant-accused and his companions have caused injuries to Shubham on vital part of the body with intention to cause his death, applicant-accused be not released on anticipatory bail as releasing him on anticipatory bail will further give impetus to the audacity of the applicant-accused whereunder he without any fear of consequences has acted as such, and would thus, send a wrong message in the Society. With these submissions, they prayed for the dismissal of the bail application.

JITESH LAL
2026.11.26 17:27
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5. Insofar as, delay in lodging of the FIR is concerned, admittedly intimation was given to the police on the same day. The fact that police did not register FIR on the same day and that the FIR was registered after passing of 5/6 days cannot be read to the disadvantage of the complainant side, particularly when the MLR as per which there are six injuries on the person of the injured-victim Shubham is of same day. In the MLR there are six injuries, out of which the first injury is on the head and the second injury is on the forehead. As per counsel representing the complainant stitches were to be applied on the said injuries in order to bind the wound. There is one stitch on the forehead and six stitches on the head. Photographs in this regard have also been placed uon record. The said injuries as per contents of the FIR were caused by applicant-accused and co-accused by using stone tile. The part of the body, thus, aimed at is vital part of the body. This Court in these facts and circumstances, when the victim has been mercilessly thrashed by applicant-accused and his companions, finds itself in consonance with what has been argued by learned Public Prosecutor and by learned counsel for the complainant that if anticipatory bail is granted to applicant-accused, it will certainly give impetus to the audacious act of applicant-accused where under he without having any fear of the consequences did the acts in question. Granting anticipatory bail in this scenario will not be in the interest of justice, and the same is therefore, dismissed. File be consigned to the record room."

9. Thereafter, respondent No.6-Nikhil sought the concession of anticipatory bail before this Court. In the said bail application, the DSP,

JITESH LAL
2026.11.26 17:27
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SDPO-South filed a reply (Annexure P-8) to the application and the relevant extract of the same is as under:

> ***INVESTIGATION***:
>
> 4. *During further investigation, the statement of Shubham was recorded on 21.07.2026 by the investigating officer wherein he stated that the petitioner along with the co-accused person Hitesh wrongfully restrained him and thereafter attacked him with a stone tile due to which he was injured.*
>
> 5. *During the course of investigation, the MLR of the injured victim Shubham was obtained from Civil Hospital, Sector 45, Chandigarh by the police. The details and nature of injuries caused to him, as recorded in the MLR are reproduced hereinunder:*
>
> *"1. Lacerated wound forehead towards left approx 1.0x 0.2 x 0.1*
>
> *2. Lacerated wound fronto parietal region left side approx 1.8 x 0.2 x 0.1*
>
> *3. Red abrasion over anterior aspect of thorax extended over mediastinum to right part of thorax spreaded over a) approx. 1.8 x 0.2 vertically right thorax b) approx 0.5 x 0.2 mediastinum*
>
> *4. Minor red abrasions right side lateral to neck a) approx. 0.7 x 0.2 b) approx 0.3 x 0.2*
>
> *5. Minor red abrasion left side of neck laterally approx. 1.2 x 0.2*
>
> *6. Minor red abrasion right scapular region approx. 0.8 x 0.2*
>
> *7. Minor red abrasion left scapular region approx. 0.5 x 0.2*
>
> *"Injuries 1 and 2 Reserved.*
>
> *Injuries 3,4,5,6 and 7 Simple"*
>
> *A copy of the aforesaid MLR dated 02.07.2026 is annexed herewith as Annexure R-1.*
>
> *6.Further, on 30.07.2026, the opinion of the EMO, Civil Hospital, Sector 45, Chandigarh regarding the nature of injuries suffered*

JITESH LAL
2026.11.26 17:27
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by Shubham was sought by the investigating officer, who opined that the injuries no. 1 to 7 are simple in nature. A copy of the aforesaid opinion dated 30.07.2026 is annexed herewith as Annexure R-2.

7. In the course of investigation, the CCTV footage was collected which clearly shows, the petitioner and his accomplice Hitesh engaging in an altercation with Shubham and his brother Sanjay on the stairs.

ROLE OF THE PETITIONER: -

8.That the present petitioner is specifically named in the First Information Report (FIR), and investigation has established that the petitioner played an active role in the infliction of injuries upon the aforesaid victims. A specific and overt role is attributed to the petitioner. The petitioner restrained Shubham while the co-accused Hitesh attacked him. Further, the petitioner also inflicted injuries upon the said victim by hitting him with a stone tile. The aforesaid acts of the petitioner clearly demonstrate his active participation and direct involvement in the commission of the offence resulting in injuries being caused to Shubham.

9. That it is submitted here that the present petitioner along with the other co-accused person had initiated the quarrel by abusing the complainant and his brother. The petitioner attacked the victim with a stone tile resulting in injuries being caused to the victim. Hence, the petitioner is directly responsible for the harm caused to the victim.

STAGE:

10. That investigation qua the accused is still at a nascent stage.

CRIMINAL ANTECEDENTS:

JITESH LAL
2026.11.26 17:27
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11. *That it would be pertinent to mention that there is no other FIR against the present petitioner of a similar nature.*

REASONS FOR DISMISSAL OF ANTICIPATORY BAIL:

12. *That the anticipatory bail of the present petitioner may kindly be dismissed on the following grounds:*

i. Seriousness and Gravity of Offence

That the allegations against the petitioner are grave and serious in nature. The present petitioner has emerged as the assailant on the basis of the CCTV footage and the statements made by the victims during investigation. The nature of the allegations indicates involvement in infliction of injuries upon the victim, which is a serious offence having wide societal impact, thereby disentitling the petitioner from the discretionary relief of anticipatory bail.

ii. ***Likelihood of Tampering with Evidence***

The petitioner is highly likely to tamper with or destroy vital evidences and influence witnesses if granted the protection of anticipatory bail.

iii. ***Custodial Interrogation is Necessary***

That custodial interrogation of the petitioner is essential to unearth the entire sequence of events, ascertain the role of the other co-accused person.

iv. ***Absconding Risk***

There is a strong apprehension that the petitioner may abscond and evade the process of law if granted anticipatory bail. That the conduct of the petitioner throughout the investigation reflects lack of bona fides.

13. That if the petitioner is granted anticipatory bail then there is every likelihood that he may not co-operate in the

JITESH LAL
2026.11.26 17:27
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investigation and may try to hamper the ongoing investigation which is still at the initial stage.

10. Thereafter, this Court vide order dated 07.08.2026 (Annexure P-7), dismissed the petition seeking anticipatory bail. The relevant extract of the order is as under:

"8. The allegations in the FIR are clear and categoric to the effect that both the accused including the petitioner assaulted Shubham Dograinjured. I have also examined the CCTV footage from inside the gym and the common area. It is the petitioner who can be seen gesturing towards the complainant party to come towards them. Later, he and his co-accused/Hitesh are seen scuffling with the injured. The petitioner is seen to have been pulled away by the complainant-Sanjay. He releases himself and goes back to scuffle/assault the injured-Shubham alongwith Hitesh. The rest of the occurrence has taken place where there is no CCTV coverage. The injured has received 06 injuries. 02 of the said injuries are on the head and 03 on the neck. He has received multiple stitches for the injuries on the head. Further, when the parties were summoned to the police station, both the petitioner and his co-accused/Hitesh got angry and started abusing and fighting with injured-Shubham. However, despite being sought to be controlled by the police officials present at the spot, both the accused kept abusing and acted aggressively towards Shubham Dogra, leading to initiation of proceedings under Sections 126 and 170 BNSS (Sections 107 and 151 Cr.P.C.). The allegations levelled against the petitioner and his co-accused as also their subsequent conduct shows scant regard for the law. Unfortunately, the respective fathers of the accused including the petitioner happen

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2026.11.26 17:27
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> *to be police officials. It is a case where the injured has been beaten up without any reason whatsoever.*
>
> *9. Keeping in view the allegations levelled against the petitioner and also his conduct, I do not deem it appropriate to grant him the concession of anticipatory bail and therefore, the present petition stands dismissed."*

11. Respondent No.6-Nikhil approached the Hon'ble Supreme Court and his anticipatory bail came to be dismissed vide order dated 17.08.2026 (Annexure P-9). The said order reads as under:

> *1. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we do not find any good ground to interfere with the impugned order passed by the High Court.*
>
> *2. The Special Leave Petition is, accordingly, dismissed.*
>
> *3. Pending application(s), if any, shall stand disposed of.*

12. As respondent No.6-Nikhil Kumar had not surrendered pursuant to his bail application being dismissed by the Hon'ble Supreme Court, the present petition was filed on 03.10.2026 seeking proper investigation to be conducted by a Senior Officer. On 09.10.2026, notice was issued by a Coordinate Bench of this Court for 27.10.2026.

13. However, vide DDR No. 045 dated 07.10.2026 (Annexure R-3), Section 118(1) of BNS, 2023 [Section 324 of IPC) was deleted. Pursuant thereto, respondent No.5-Hitesh and respondent No.6-Nikhil were apprehended on 07.10.2026 and released on police bail, as all other offences were bailable.

JITESH LAL
2026.11.26 17:27
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14. The learned counsels for the petitioner contend that the manner in which the investigation has been conducted so far reveals that the officials of the UT Police, Chandigarh have gone to great lengths to save the children of their colleagues. They contend that the occurrence had taken place on 02.07.2026, the FIR came to be registered only on 08.07.2026 (Annexure P-1), that too on the intervention of Advocates. respondent No.5-Hitesh and respondent No.6-Nikhil have scant regard for the law, inasmuch as they have threatened the petitioner even in the Police Station. The U.T. Police, Chandigarh had opposed the bail application of respondent No.6-Nikhil tooth and nail, not only before the Sessions Court but also before this Court and the Hon'ble Supreme Court even though at that stage, it was apparent that all the injuries were simple in nature. After the bail of respondent No.6-Nikhil was declined by the Hon'ble Supreme Court, he along with respondent No.5-Hitesh ought to have been arrested. However, it was only when the petitioner filed the present petition on 09.10.2026 did the Investigating Agency, relying on the same medical record dated 02.07.2026 and 30.07.2026 (Annexures R-1 & R-2) proceed to delete, Section 118(1) of BNS, 2023 (Section 324 IPC) on the grounds that the injuries had been declared simple in nature. In fact, there were absolutely no change in circumstances from the time the bail application of respondent No.6-Nikhil was dismissed to the time when Section 118(1) BNS, 2023 (Section 324 IPC) was deleted. It is apparent that the Investigating Agency has made an all-out attempt to help respondents No. 5-Hitesh and

JITESH LAL
2026.11.26 17:27
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respondent No.6-Nikhil, who are none other than the sons of serving Chandigarh Police officials. Therefore, in light of the fact that the investigation has been severely hampered and all-out attempts are being made to help respondent No. 5-Hitesh and respondent No.6-Nikhil, it is no longer sufficient that the investigation be handed over to a senior officer of the UT Police but the same ought to be handed over to the CBI, particularly when the allegations are that they intended to kill the petitioner. Reliance is placed on the judgments in the cases of ***Hansura Bai & Another Vs. The State of Madhya Pradesh & another, 2025 SCC Online SC 1119***, ***Rubabbuddin Sheik Vs. State of Gujarat & others, 2010(1) RCR (Criminal) 738*** and ***R.S. Sodhi Versus State of U.P. & others, 1994 AIR Supreme Court 38***.

15. The learned counsel for the respondent Nos.1 to 4-U.T., Chandigarh, on the other hand, contends that though the bail application of respondent No.6-Nikhil was dismissed up to the Hon'ble Supreme Court, however, in view of the medico-legal report dated 02.07.2026 (Annexure R-1) and the opinion of the Emergency Medical Officer dated 30.07.2026 (Annexure R-2), the injuries were declared to be simple in nature because of which Section 118(1) BNS (Section 324 IPC) was deleted. Therefore, respondent No. 5-Hitesh and respondent No.6-Nikhil were rightly granted police bail, as the remaining offences were bailable in nature. Hence, the present petition is liable to be dismissed.

16. I have heard the learned counsel for the parties.

JITESH LAL
2026.11.26 17:27
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17. The Hon'ble Supreme Court has time and again held that where allegations have been levelled against police officials, then it is difficult for the local police to investigate the case and in such a situation, the investigation ought to be handed over to an independent agency like the Central Bureau of Investigation. In this regard, the following judgments of the Hon'ble Supreme Court of India are relevant and are reproduced hereinbelow:

In ***Hansura Bai & Another Vs. The State of Madhya Pradesh & another, 2025 SCC Online SC 1119***, the Hon'ble Supreme Court has held as under:-

> *"24. The grievance of the writ petitioners in the writ petition was that the local police is adjudging its own cause, which is causing grave prejudice to the appellants.*
>
> *25. It is settled a position of law that credibility of investigating agency should be impeachable. Further, the power to transfer investigations to a certain investigating agency must be sparingly used in the interest of justice and to maintain public trust on the institution. If the investigating agency is privy to the dispute, it may raise doubts on the credibility of investigation and thus, make out a ground to transfer the investigation. In this regard, gainful reference may be made to the decision of this Court in Narmada Bai v. State of Gujarat,(2011) 5 SCC 79 wherein it was held as follows:*
>
> > "61. In Mohd. Anis v. Union of India [1994 Supp (1) SCC 145 : 1994 SCC (Cri) 251] it has been observed by this Court that:
> >
> > "5. .... Fair and impartial investigation by an independent agency, not involved in the controversy, is the demand of

JITESH LAL
2026.11.26 17:27
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public interest. If the investigation is by an agency which is allegedly privy to the dispute, the credibility of the investigation will be doubted and that will be contrary to the public interest as well as the interest of justice." (SCC p. 148, para 5)

"2. .... Doubts were expressed regarding the fairness of the investigation as it was feared that as the local police was alleged to be involved in the encounters, the investigation by an officer of the U.P. Cadre may not be impartial." (SCC p. 147, para 2)

62. In another decision of this Court in R.S. Sodhi v. State of U.P. [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248] the following conclusion is relevant : (SCC pp. 144-45, para 2)

"2. .... We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility. However faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the investigation to the Central Bureau of Investigation forthwith and we do hope that it would complete the

JITESH LAL
2026.11.26 17:27
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investigation at an early date so that those involved in the occurrences, one way or the other, may be brought to book. We direct accordingly."

63. In both these decisions, this Court refrained from expressing any opinion on the allegations made by either side but thought it wise to have the incident investigated by an independent agency like CBI so that it may bear credibility. This Court felt that no matter how faithfully and honestly the local police may carry out the investigation, the same will lack credibility as allegations were directed against them. This Court, therefore, thought it both desirable and advisable and in the interest of justice to entrust the investigation to CBI so that it may complete the investigation at an early date. It was clearly stated that in so ordering, no reflection either on the local police or the State Government was intended. This Court merely acted in public interest."

(Emphasis supplied)

28. We are, therefore, convinced that this is a classic case warranting invocation of the Latin maxim 'nemo judex in causa sua' which means that 'no one should be a judge in his own cause'. The allegation of causing custodial death of Deva Pardhi is against the local police officials of Myana Police Station. The fact that the police officials have influenced the investigation right from the beginning is amply borne out from the circumstance that even the doctors, who conducted autopsy of the dead body of Deva Pardhi, seem to have been pressurised/influenced.

29. We are constrained to observe that despite taking note of the large number of the injuries on the body of Deva Pardhi,

JITESH LAL
2026.11.26 17:27
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> *the victim of custodial torture, the members of the Medical Board which conducted post-mortem on his body, failed to express any opinion regarding the cause of his death. This omission seems to be deliberate rather unintentional and appears to be a direct result of influence being exercised by the local police officials. The involvement of the police officials in the custodial death of Deva Pardhi is clearly borne out from the statement of the sole eye-witness Gangaram Pardhi and stands further corroborated during the magisterial inquiry. The victims' family tried to lodge the FIR immediately after the incident, but the local police officials prevented them from doing so. It is only after the magisterial inquiry was conducted that the FIR came to be registered wherein the offence of culpable homicide amounting to murder was omitted. Nearly eight months have passed since the FIR was registered but till date, not a single accused has been arrested.*
>
> (Emphasis supplied)

In ***Rubabbuddin Sheik Vs. State of Gujarat & others, 2010(1) RCR (Criminal) 738***, the Hon'ble Supreme Court has held as under:-

> "*49. This decision clearly helps the writ petitioner for handing over the investigation to the CBI Authorities or any other independent agency. It is an admitted position in the present case that the accusations are directed against the local police personnel in which High Police officials of the State of Gujarat have been made the accused. Therefore, it would be proper for the writ petitioner or even the public to come forward to say that if the investigation carried out by the police personnel of the State of Gujarat is done, the writ petitioner and their family members would be highly prejudiced and the investigation*

JITESH LAL
2026.11.26 17:27
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would also not come to an end with proper finding and if investigation is allowed to be carried out by the local police authorities, we feel that all concerned including the relatives of the deceased may feel that investigation was not proper and in that circumstances it would be fit and proper that the writ petitioner and the relatives of the deceased should be assured that an independent agency should look into the matter and that would lend the final outcome of the investigation credibility, however, faithfully the local police may carry out the investigation, particularly when the gross allegations have been made against the high police officials of the State of Gujarat and for which some high police officials have already been taken into custody.

50. It is also well known that when police officials of the State were involved in the crime and in fact they are investigating the case, it would be proper and interest of justice would be better served if the investigation is directed to be carried out by the CBI Authorities, in that case CBI authorities would be an appropriate authority to investigate the case. In Ramesh Kumari v. State (NCT Delhi) & Ors., 2006(2) RCR (Criminal) 197 : 2006(1) Apex Criminal 541 : [2006(2) SCC 677], this Court at Paragraph 8 observed :

> ".....We are also of the view that since there is allegation against the police personnel, the interest of justice would be better served if the case is registered and investigated by an independent agency like CBI."
>
> **** **** ****

54. Therefore, in view of our discussions made hereinabove, it is difficult to accept the contentions of Mr. Rohatgi learned senior counsel appearing for the state of Gujarat that after the

JITESH LAL
2026.11.26 17:27
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charge sheet is submitted in Court in the criminal proceeding it was not open for this court or even for the High Court to direct investigation of the case to be handed over to the CBI or to any independent agency. Therefore, it can safely be concluded that in an appropriate case when the court feels that the investigation by the police authorities is not in the proper direction and in order to do complete justice in the case and as the high police officials are involved in the said crime, it was always open to the court to hand over the investigation to the independent agency like CBI. It cannot be said that after the charge sheet is submitted, the court is not empowered, in an appropriate case, to hand over the investigation to an independent agency like CBI.

(Emphasis supplied)

In ***R.S. Sodhi Versus State of U.P. & others, 1994 AIR Supreme Court 38***, the Hon'ble Supreme Court has held as under:-

"2. We have examined the facts and circumstances leading to the filing of the petition and the events that have taken place after the so-called encounters. Whether the loss of lives was on account of a genuine or a fake encounter is a matter which has to be inquired into and investigated closely. We, however, refrain from making any observation in that behalf; we should, therefore, not be understood even remotely to be expressing any view thereon one way or the other. ***We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the***

JITESH LAL
2026.11.26 17:27
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> ***Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility. However, faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice entrust the investigation to the Central Bureau of Investigation forthwith and we so hope that it would complete the investigation at an early date so that those involved in the occurrences one way or the other may be brought to book. We direct accordingly. In so ordering we mean no reflection on the credibility of either the local police or the State Government but we have been guided by the larger requirements of justice. The writ petition and the review petition stand disposed of by this order.***
>
> ***Petition allowed."***

(Emphasis supplied)

18. Coming back to the facts of the present case, it may be noted that when respondent No.6-Nikhil had approached the Court of Addl. Sessions Judge, Chandigarh for the grant of anticipatory bail, the Chandigarh Police had opposed the bail application tooth and nail. The application was dismissed on 16.07.2026 (Annexure P-6). At that stage, both the MLR of the petitioner and the opinion of the Emergency Medical Officer were available, as per which the nature of injuries suffered by the petitioner were declared to be simple. Thereafter, respondent No.6-Nikhil filed a petition for the grant of

JITESH LAL
2026.11.26 17:27
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anticipatory bail before this Court. Once again, a detailed reply was submitted by the Chandigarh Police relying upon the same medical evidence and the said petition was opposed tooth and nail and came to be dismissed. It was a similar situation before the Hon'ble Supreme Court and it was in those circumstances that anticipatory bail was denied to respondent No. 6-Nikhil. Interestingly, after bail was denied by the Hon'ble Supreme Court on 17.08.2026 (Annexure P-9), when the present petition seeking issuance of directions was filed, relying on the same very medical evidence available earlier, Section 118(1) BNS (Section 324 IPC) has been deleted. This conduct of the Chandigarh Police clearly shows that they have acted in support of their colleagues whose sons are accused (respondent No. 5-Hitesh and respondent No.6-Nikhil).

19. Apparently, respondent No.5-Hitesh firstly threatened the petitioner on 01.07.2026 and thereafter, he along with respondent No.6-Nikhil brutally assaulted the petitioner, wherein he received injuries on his head with a paver/tile. The said article is a dangerous weapon which, if used as a weapon of offence like in the instant case, can cause death. In fact, the petitioner has received multiple stitches on his head. Further, the conduct of the accused itself shows that they have little regard for the law, inasmuch as they threatened the petitioner while they were all at the Police Station prior to the registration of the FIR, for which proceedings under Sections 107 & 151 Cr.P.C. were initiated.

JITESH LAL
2026.11.26 17:27
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20. There is no doubt that allegations of an unfair investigation being conducted have been levelled against the officers of the Chandigarh Police officials as respondent No.5-Hitesh and respondent No.6-Nikhil are sons of serving Chandigarh Police officials. In fact, given the manner in which Section 118(1) BNS, 2023 (Section 324 IPC) was deleted, this Court has a legitimate apprehension that further investigation would not be conducted in a free and fair manner.

21. Justice must not only be done but must also be seen to be done. Therefore, keeping in view the aforementioned discussion and in the interest of justice, I deem it appropriate to transfer the investigation emanating out of FIR No. 92 dated 08.07.2026 registered under Sections 126(2), 115(2), 118(1), 351(3) & 3(5) of BNS, 2023 (corresponding to Sections 341, 323, 324, 506 & 34 IPC) at Police Station Sector 34, Chandigarh to the Central Bureau of Investigation.

22. The Central Bureau of Investigation shall carry out the investigation and present an appropriate report in the Court in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

26.11.2026
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Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

JITESH LAL
2026.11.26 17:27
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