

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) **CRM-M-15608-2018**
Date of decision:-3.5.2018
Mustak Ali ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-16093-2018**
Rahul ...Petitioner

Versus

State of Haryana ...Respondent

(3) **CRM-M-11728-2018**
Ajam Chauhan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: **Mr.Rajnish Gupta, Advocate**
for the petitioner in CRM-M-15608-2018.

Mr.Pankaj Bali, Advocate
for the petitioner in CRM-M-16093-2018.

Mr.Sanjeev Kumar Aggarwal, Advocate
for the petitioner in CRM-M-11728-2018.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-2-

By this order, I intend to dispose of three petitions i.e. **CRM-M-15608-2018** filed by petitioner Mustak Ali, **CRM-M-16093-2018** filed by petitioner Rahul and **CRM-M-11728-2018** filed by petitioner **Ajam Chauhan**, who are accused in FIR No.33 dated 3.2.2018, under Sections 186, 307, 332, 389 IPC (Section 389 IPC added later on), registered with Police Station Madhuban, District Karnal for grant of regular bail.

Briefly stated, facts of the case as per prosecution story are that on 3.2.2018 at about 6:00 a.m. while the complainant Smt.Pushpa Rani, Superintendent, ITI Nissing, then posted as Superintendent, Transport Department, Check Post, Manglora along with her staff from Transport Department was present at Check Post, Manglora in connection with her official duties, then at about 8:30 a.m. Additional Deputy Commissioner and Secretary, Transport Department, Karnal also came there; the overloaded vehicles were being checked, during the course of which a Ritz car bearing registration No.HR-05AP-7475 came, which was signalled to stop but rather the driver tried to hit the checking staff but the staff had a narrow escape; the car along with its driver was apprehended, however, getting a chance, the driver ran away; in the meantime another vehicle bearing registration No.HR-05AU-5755 was found parked there, which was taken into possession. Both the vehicles were handed over to Police Post Manglora; intimation was given to the police wherein giving the details of the incident; it was informed that a person having vehicle bearing registration No. HR-05AU-5755 tried to facilitate passing of

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-3-

overloaded vehicles after taking money. After registration of the FIR, the matter was investigated. It came out that Ajam Chauhan was owner of vehicle HR-05AU-5755 mark *I-20* and Kausar Ali was owner of vehicle HR-05AP-7475 mark Ritz. During the course of investigation, it came out that Mushtak Ali, driver of car HR-05AP-7475 mark Ritz and Ajam Chauhan driver of vehicle HR-05AU-5755 mark *I-20* used to take money from drivers of overloaded trucks under the threats that otherwise they would be got challaned near ITI Naka. Mushtak Ali and Ajam Chauhan were arrested in this case on 21.2.2018. Both the accused were interrogated, during the course of which, they got recovered money illegally collected by them. Another accused Rahul was also arrested on 24.2.2018, whereas one more accused, namely Onkar Singh @ Mukhia is stated to be still absconding.

All the accused had filed applications before Court of Sessions at Karnal but were unsuccessful there, as such they have approached this Court seeking similar relief by filing of the petitions, notices of which have been issued to the respondent, who put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State besides going through the record.

As far as **CRM-M-15608-2018** filed by petitioner Mustak Ali and **CRM-M-11728-2018** filed by petitioner Ajam Chauhan are concerned, during the course of investigation it came out that Rahul was arrested on 24.2.2018, as it had come out during the investigation and

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-4-

disclosed by Ajam Chauhan while being interrogated stating that he has got four trucks of his own and he has been bringing stone crusher loaded in those trucks from Yamuna Nagar and selling that in Uttar Pradesh and his trucks are overloaded with stone crusher, so much so 15 other trucks belonging to his acquaintances and he manages to let them pass without being stopped by the police in connivance with the officials posted at the picket at Manglora; that he accompanies those trucks in his car having No. HR-05AU-5755 mark I-20 white in colour. He admitted the incident of 3.2.2018 in his that statement in which Mustak Ali had tried to hit the officials on duty with an intention to kill them and then he and Mustak Ali running away. He also stated about involvement of Onkar Singh @ Mukhia and Rahul son of Pala Ram in the scam. He further stated that he charges Rs.500/- per truck, which is overloaded for letting the truck go without being apprehended by the checking staff. He stated that he was having Rs.2,200/- and Mustak Ali Rs.5,800/-, out of that illegal money collected, which they had concealed and they could get the same recovered. Accordingly that money had been recovered from Ajam Chauhan and Mustak Ali.

In my considered opinion, petitioners Ajam Chauhan and Mustak Ali do not deserve concession of regular bails in light of facts and circumstances of the case.

Hence, **CRM-M-15608-2018** filed by petitioner Mustak Ali and **CRM-M-11728-2018** filed by petitioner Ajam Chauhan stand dismissed accordingly.

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-5-

As regards **CRM-M-16093-2018** filed by petitioner Rahul is concerned, as per the case of prosecution he was not there in the car, which had allegedly hit the officials managing barricade. His name has appeared in interrogation of co-accused Ajam Chauhan only. He was not present at the spot. Therefore, it is doubtful whether the offence under Sections 307, 186, 332 IPC so also under Section 389 IPC are made out against him.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner Rahul.

Accordingly, the **CRM-M-16093-2018** stands allowed. The petitioner namely Rahul is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Karnal, on following conditions:

(i) He shall appear in the Court on each and every date of hearing.

(ii) He shall not give any threat or intimidation to the prosecution witnesses.

(iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violate any term and condition on which

CRM-M-15608-2018;
CRM-M-16093-2018; and
CRM-M-11728-2018

-6-

the bail has been granted to him, the prosecution would be entitled to
apply for cancellation of bail.

3.5.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No