

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-44678-2022 (O&M)
Date of Decision:-29.9.2022

Surender @ Chiku

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana and
Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Naseem Akhtar.

Mr. Lokesh Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.660 dated 3.10.2021 at Police Station Sector City Narnal, District Mahendergarh, Haryana, under Sections 148, 149, 365, 387, 120-B of Indian Penal Code and Section 25 of Arms Act 54 of 1959.
2. The FIR in question was lodged at the instance of Ballu Saini, wherein it is alleged that on 03.10.2021, when he was having tea at a shop at Nizampur road, Vikram, Amit @ Monu, Sukhdeep, Pela, Pandey & others came there and started beating him and also threatened him to either vacate the land

which the accused had purchased for Rs.1 crore or to pay an amount of Rs.1 crore to the accused. It is alleged that earlier he had paid an amount of Rs.2 lakh to Billu Dublana as protection money to get rid of this, but he (Billu Dublana) made the complainant talk to Bikram Baldu telephonically and who also threatened him to either pay Rs.1 crore or to vacate the land. It is also alleged that the accused had also tried to kidnap him, but he managed to escape.

3. The learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement allegedly made by Vikram @ Baldu and Surender Chaudhary. It has been submitted that the petitioner has falsely been implicated in the present case on account of the fact that complainant's brother-in-law Vikas had filed a petition in this Court in respect of another FIR, wherein allegations have been made against the then Superintendent of Police Sh. Chander Mohan and who, nursing the said grudge, had implicated the petitioner and his brother-in-law Vikas in 4-5 cases. The learned counsel for the petitioner has referred to order dated 23.8.2021 passed in CRM-M-33806 of 2021, wherein notice of motion has been issued and the matter is still pending. The learned counsel for the petitioner has further submitted that the complainant has been furnished an affidavit to the effect that the petitioner has no role in the occurrence in question.
4. Opposing the petition, learned State counsel, upon instructions from ASI Naseem Akhtar, has submitted that the petitioner is a seasoned criminal having been involved in as many as 25 other cases. It has also informed that although the petitioner stands acquitted in 14 of the said cases but stands convicted in 2 cases while others are still pending. The learned State counsel

has submitted that apparently the petitioner has won over or threatened or intimidated the complainant, who had furnished the affidavit (Annexure P-4) and that no sanctity can be attached to such affidavit.

5. Mr. Lokesh Sharma, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record. He is also accompanied by the complainant Ballu Saini and also Surender Chaudhary co-accused and has identified them.
6. The learned counsel for the complainant has submitted that the petitioner has been falsely been implicated in the present case and that he was never ever involved in the occurrence in hand. This Court briefly quizzed the complainant Ballu Saini, who stated to an identical effect that the petitioner has no role in the occurrence in hand. Surender Chaudhary, co-accused, upon being quizzed also stated that he had never made any such statement and stated that he was also implicated falsely on the basis of disclosure statement of Vikram @ Baldu. He has further stated that he was earlier serving in Army along with Vikas i.e. brother-in-law of the petitioner and that he along with the petitioner had been falsely implicated by the then Superintendent of Police namely Sh. Chander Mohan, who nursed some grudge against the petitioner's brother-in-law Vikas.
7. This Court has considered the rival submissions.
8. Having regard to the aforesaid facts and circumstances, particularly the fact the petitioner came to be nominated on the basis of a disclosure statement, whereas the complainant as well as co-accused Surender Chaudhary, who allegedly had also named the petitioner, are both present in the Court alongwith counsel for the complainant and have denied the involvement of

the petitioner, the petition merits acceptance and is hereby accepted. The petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

29.9.2022*geeta***(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No