

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

**CRM-M-17284-2023
Date of Decision: 18.05.2023**

Neeraj @ Dhanda

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Piyush Aggarwal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

1. Petitioner (Neeraj @ Dhanda) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case bearing FIR No.153 dated 12.05.2022 (Annexure P-1), under Sections 148, 149, 379-A & 506 of the Indian Penal Code and Section 25 of the Arms Act (Sections 148 and 149 of the Indian Penal Code, deleted later on and Sections 201, 323, 387 read with Section 34 of the Indian Penal Code, added later on), registered at Police Station Badli.

2. Status report by way of affidavit dated 15.05.2023 of Mr. Ravinder Kundu, H.P.S., Deputy Superintendent of Police, H.Q., District Jhajjar is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

3. Succinctly, the aforesaid FIR came to be registered on the complaint of one Sonu s/o Sh. Daya Nand resident of village Badli, who stated that the residents of his village namely Neeraj @ Dhandhan son of Vijay Pal @ Kaku, his sister Ronu and their companions Bugla, Ravi, Yogi, Jhandu and another unknown person have been nuturing grudge against him over a plot and they had demanded ransom from him in connection with the said plot. It was further stated that on 12.05.2022, the said persons gave beatings to the complainant and demanded money and threatened him with life in case the complainant did not pay. It was stated that the said persons were in possession of illegal weapons. It was also stated by complainant that earlier also he had a dispute with them and all the said accused persons are notorious who repeatedly demanded ransom from him and they reside in his neighbourhood. It was further stated that the said persons had beaten the complainant and snatched money from him.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that the allegations regarding beating are baseless and without any documentary proof. Learned counsel for the petitioner submits that there is no Medico Legal Report or even any examination by any Doctor, which could prove the factum of beating. It is further submitted that the complainant has himself stated that there is a grudge between the complainant and all the accused persons, regarding a plot and the police authorities without carrying out any inquiry or without there being any document/proof against the petitioner and co-accused, straight away registered the instant FIR (Annexure P-1). Learned counsel next submits that the conduct of officials

complainant and the FIR has been lodged only to harass the petitioner and other accused, without there being commission of any offence. It is submitted that the complainant has made vague allegation regarding snatching of money by all the accused whereas he did not mention the exact amount which is alleged to be taken away by the petitioner and other accused. Learned counsel further submits that the complainant already stands examined, who had turned hostile. It is submitted that there are total four accused and out of them, one is juvenile, who has been granted bail, vide order dated 15.07.2022. It is further submitted that co-accused, namely Yogesh @ Yogi and Ravi, have also been granted the concession of regular bail by this Court vide order dated 21.02.2023 passed in CRM-M-54245-2022. It is stated that the petitioner is in custody since 15.05.2022; investigation in the case is complete, challan has been presented on 28.06.2022 and the charges have already been framed on 27.09.2022, hence, trial is likely to take long time to conclude. Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

5. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness and gravity of the offences. It is submitted that ten more cases are pending against the petitioner. In respect of illegal weapon mentioned in the FIR, learned State counsel, while submits that the same is attributed to the present petitioner. However, learned State counsel has not disputed that upon completion of investigation in this case, challan was presented on 28.06.2022 and even the charges have

trial is going on and the complainant stands examined in this case. It is further not disputed that the petitioner is in custody since 15.05.2022 and one of the accused is a juvenile, who has been granted bail, vide order dated 15.07.2022 and another co-accused, namely Yogesh @ Yogi and Ravi, have also been granted the concession of regular bail.

6. Learned counsel for the petitioner, in rebuttal, has submitted that as per status report, the petitioner is on bail in FIR No.1 dated 17.12.2018, FIR No.13 dated 21.12.2018 and FIR No.60 dated 27.02.2021; he has already undergone the sentence imposed upon him in case FIR No.72 dated 24.03.2019; and in another FIR No.606 dated 17.10.2017, the petitioner stands acquitted. Learned counsel for the petitioner has further relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012(2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced herein below :-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

7. I have heard learned counsel for the parties and perused the paper book as well as status report.

8. In this case, the petitioner was arrested on 15.05.2022 and he is

in custody for more than one year by now. Investigation in this case is complete, the challan has been presented on 28.06.2022 and the charges have already been framed on 27.09.2022. Out of total ten witnesses, one witness, i.e. complainant, already stands examined and the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars for an indefinite period. Moreover, co-accused, namely Yogesh @ Yogi and Ravi, have already been granted the concession of regular bail by this Court vide order dated 21.02.2023 passed in CRM-M-54245-2022.

9. Keeping in view the aforementioned circumstances and also the law laid down in **Maulana Mohd. Amir Rashadi's case** (supra), the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his respective undertaking to the effect that he will not indulge in any illegal activity.

10. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

11. The petition is accordingly disposed of.
12. All pending application(s), if any, shall also stand closed.

18.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No