

CRM-8358-2023 in/and
CRM-M-54245-2022

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

CRM-8358-2023 in/and
CRM-M-54245-2022
Date of Decision: 21.02.2023

Yogesh @ Yogi and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

CRM-8358-2023

The present application is filed for placing on record the order dated 15.07.2022 passed by learned PM, JJB-cum-Judicial Magistrate Ist Class, Jhajjar as Annexure P-4.

For the reasons mentioned in the application, the same is allowed and Annexure P-4 is taken on record, subject to all just exceptions.

CRM-M-54245-2022

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.153 dated 12.05.2022 (Annexure P-1) under Sections 379-A,

148, 149, 506 of Indian Penal Code and Section 25 of Arms Act (Section

148 and 149 of Indian Penal Code were deleted and Section 323, 387, 201 and Section 34 of Indian Penal Code were added later on), registered at Police Station Badli, District Jhajjar.

Succinctly, the abovesaid case FIR No. 153 came to be registered on the complaint of one Sonu son of 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 is 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 is alleged that the said persons were in possession of illegal weapons. It is also alleged 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 alleged that the said persons had beaten the complainant and snatched money from him. Accordingly, the abovesaid case FIR No. 153 came to be registered.

Learned counsel for the petitioners submits that the petitioners have 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 petitioners 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, regarding a plot and the police authorities without carrying out any inquiry,

straight away registered the FIR without being there any document / proof in support of the same. Learned counsel next submits that the conduct of the officials in registering the FIR clearly indicates that they are in collusion with the complainant and the FIR has been lodged only to harass the petitioners 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 petitioners and other co-accused. Learned counsel for petitioners submitted that in this case investigation is complete, challan has been presented on 28.06.2022 and the charges have already been framed on 27.09.2022. Learned counsel further submits that the complainant already stands examined, who had turned hostile. It is submitted that there are total 4 accused and out of these 4 accused one is juvenile, who has been granted bail, vide order dated 15.07.2022. Learned counsel for petitioners submit that allegation regarding illegal weapon mentioned in the FIR is attributed to another co-accused Neeraj @ Dhanda. Learned counsel next submits that the petitioner is not involved in any other case and trial is likely to take long time. 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.

Upon issuance of notice of motion in this case, a Status Report by way of affidavit of Amit Yashwardhan, IPS, Additional Superintendent of Police, Badli, District Jhajjar on behalf of respondent-State of Haryana was filed.

Learned State counsel opposes the plea of petitioner for grant of

regular bail on the ground of seriousness of the offence, however, it is not disputed that no recovery has been effected from the petitioner, nor is the petitioner involved in any other case. In respect of illegal weapon mentioned in the FIR, learned State counsel while referring to para 9 of the Status Report, submitted that the same is attributed to co-accused Neeraj @ Dhanda. Para No.9 of the status report dated 12.01.2023, reads as under:

“That during the course of investigation, accused namely Ravi @ Jaiparkash and Yogi Yogesh were produced before the Ld. Area Magistrate from where they were sent to judicial custody and co-accused Neeraj Dhanda was taken on 1 day police remand wherein his supplementary disclosure statement was recorded in which he disclosed that the weapon used by me in the offence was given by me to some unknown person and therefore section 201 IPC was added to the present FIR and on 15.05.2022 the co-accused namely Neeraj @ Dhanda was produced before the Ld. Area Magistrate from where he was sent to judicial custody.”

Learned State counsel has also not disputed that upon completion of investigation in this case, challan was presented on 28.06.2022 and even the charges have been framed on 27.09.2022. It is admitted by learned State counsel that the trial is going on and the complainant stands examined in this case. It is further not disputed that one of the accused is a juvenile, who has been granted bail, vide order dated 15.07.2022 (Annexure P-4).

I have heard learned counsel for the parties and perused the paper book of the petitioner handed over by learned State counsel, in Court today.

In this case, the petitioners were arrested on 13.05.2022 and they have been in custody for the last about 9 months. 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 petitioners behind bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioners and the petitioners shall inform the concerned Station House Officer about their address at which they intend 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 petitioners would also furnish their telephone number(s) to the concerned Station House Officer. They would also furnish their respective undertaking to the effect that they will not indulge in any illegal activity.

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.

The petition is accordingly disposed of.

21.02.2023
Himani

(HARSH BUNGER)
JUDGE

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