

137

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

CRM-M-9866-2024 (O&M)

Date of decision : 29.02.2024

Naveen Dabas @ Bali

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Azad, Advocate,
and Mr. Ankit Karna, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 482 Cr.P.C. for quashing of the impugned order dated 08.01.2024 (P-2), passed by learned Judicial Magistrate First Class, Rohtak (for short, 'the JMIC'), whereby, an application for seeking production warrant of the petitioner was allowed.

2. Status report filed by way of affidavit dated 28.02.2024 of PSI Krishan Kumar, CIA-II, Rohtak is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

3. It is contended by learned counsel for the petitioner that he has no concern with FIR No.217 dated 30.09.2022, registered at Police Station Bahu Akbarpur, District Rohtak, under Sections 120-B, 307 & 201 read with Section 34 of the Indian Penal Code, 1860 (*for short,*

'the IPC'); & Sections 25 & 27 of the Arms Act, 1959 (*for short, the Arms Act*); rather, the same was registered against some unknown persons. Further contended that petitioner is also not an accused in FIR No.85 dated 13.03.2023, under Sections 302, 120, 114, 201 read with Section 34 of the IPC; & Sections 25 & 29 of the Arms Act, registered at Police Station, Urban Estate, Rohtak, but despite that, application for production warrant was allowed in the name of Superintendent, District Jail, Sunariya, Rohtak. Again submitted that petitioner is lodged in Central Jail No.2, Tihar, since 2011; hence, the impugned order is liable to be quashed and set aside.

4. *Per contra* learned State counsel submitted that petitioner is hardcore criminal, facing various criminal cases; apart from a previous convict and lodged in Central Jail No.2, Tihar. Also submitted that petitioner was nominated in FIR No.217 dated 30.09.2022 (*supra*) by co-accused Rahul @ Hulli & Aman in their disclosure made on 03.01.2024 and as such, his production warrant have rightly been issued by learned JMIC. Further submitted that now his production warrant have been issued for 16.03.2024 by learned JMIC on 17.02.2024 (through V.C.); hence, the present petition is liable to be dismissed. A copy of order dated 17.02.2024 has been produced by learned State counsel and same is taken on record as Mark 'X'.

5. Heard learned counsel for the parties and perused the paper-book.

6. Before proceeding further, it is necessary to recapitulate the impugned order dated 08.01.2024 and which reads as under:-

“An application for issuance of production warrants against accused Naveen @ Baali s/o Narender, Naman @ Chota s/o SatNarayan and Tinku s/o Balraj have been moved by the Investigating Officer. Heard. In the application, it is mentioned that accused is confined in Superintendent, District Jail Sunariya, Rohtak in case bearing FIR No.85 dated 13.03.2023 under Sections 302/120/114/201/34 of IPC & 25/29 of Arms Act registered with P.S. Urban Estate, Rohtak. Heard. Keeping in view the contends stated in the application, the same is allowed. Let, production warrants be issued against them in the name of Superintendent, District Jail Sunariya, Rohtak for 13.01.2024.”

7. Perusal of the aforesaid order reveals that production warrant of petitioner were issued on the premise that he was confined in District Jail, Sunariya, Rohtak in FIR No.85 (*supra*); but as a matter of fact, he is lodged in Central Jail No.2, Tihar. Thus, it seems to be inadvertently for the reason that in the application dated 08.01.2024, it was clearly mentioned that petitioner was lodged in Tihar Jail No.2, Delhi; whereas, other accused, namely Naman @ Chhota was lodged in FIR No.85 dated 13.03.2023 in District Jail, Sunariya, Rohtak. Similarly, the third accused Tinku is also lodged in Jail No.10, Rohini, Delhi. Still further, in subsequent applications dated 13.01.2024 (R-2) & 17.02.2024 (R-3) moved by the prosecution, it is mentioned that petitioner is lodged in Tihar Jail No.2, Delhi. For reference, the application dated 17.02.2024 reads as under:-

“It is submitted that the above said accused are wanted criminals. The accused Naveen @ Bali S/o Narender S/o Mange Ram R/o Sultanpur Dabas, Delhi is lodged in Tihar Jail Delhi and his production warrants were got issued for 17 / 2/ 24, but accused Naveen @ Bali has not been produced in court. Hence Hon’ble Court is requested to again issue the production warrants of accused Naveen @ Bali, so that further proceedings can be initiated.”

8. Also noteworthy that application dated 17.02.2024 was allowed by learned JMIC and production warrant of petitioner were issued in the name of Tihar Jail, New Delhi with a direction to produce him through V.C. and for reference the order reads as under:-

“I.A. moved informing that Accused Naveen @ Bali is lodged in Tihar Jail, Delhi. Issue production warrant of Accused Naveen @ Bali in name of Tihar Jail, Delhi with direction to produce Accused through V.C. on 16.03.2024. Long date is given due to very heavy docket.

Sd/-

JMIC/Rohtak

UID No.HR0438”

9. It would be necessary to mention here that order dated 17.02.2024 is not under challenge in the present petition. Also noteworthy that apart from a previous convict, petitioner is facing various criminal cases of serious nature and details of which are as under:-

(a) FIR no.221 dated 29/4/2017 U/s 302, 34 IPC & 25, 27 Arms Act P.S.-Parshant Vihar Rohini, Delhi.

- (b) *FIR No.378 dated 4/9/2020 U/s 387, 34 IPC P.S.-Vijay Vihar Rohini, Delhi.*
- (c) *FIR no.200 dated 30/7/2021 U/s 115, 120-B IPC P.S.-Special Cell, Delhi.*
- (d) *FIR No.419 dated 2/6/2022 U/s 387, 120-B IPC P.S.-Punjab Bagh West, Delhi.*
- (e) *FIR no.122 of 2008 U/s 307, 34 IPC & 25 Arms Act P.S.-Sadar Bahadurgarh.*
- (f) *FIR No.437 of 2011 U/s 148, 149, 120-B IPC & 25 Arms Act P.S.-Jhajjar.*
- (g) *FIR No.282 of 2020 U/s 302, 307, 120-B, 201, 34 IPC P.S.-Bahadurgarh.*
- (h) *FIR no.119 of 2021 U/s 302, 120-B IPC P.S.-Badli Distt.-Jhajjar.*
- (i) *FIR No.239 of 2021 U/s 302, 120-B IPC & 25 Arms Act P.S.-Asodha Distt.-Jhajjar.*
- (j) *FIR No.351 of 2011 U/s 395, 34 IPC & 25 Arms Act P.S.-Sampla, Distt.-Rohtak.*
- (k) *FIR No.241 of 2011 U/s 186, 332, 307 IPC & 25 Arms Act P.S.-Sadar, Sonapat.*
- (l) *FIR No.120 of 2014 U/s 201 IPC & 42 Prisoner Act P.S.-Sadar Ballabgarh, Distt.-Faridabad.*
- (m) *FIR no.240 of 2021 U/s 148, 149, 302, 120-B IPC P.S.-Sadar, Bahadurgarh, Distt.-Jhajjar.*

(Emphasis supplied by the Court)

10. In view of the above, this Court does not find any ground to entertain the present petition; hence, the same is hereby dismissed.

11. Ordered accordingly.

12. The above observations may not be construed as an expression of opinion on merits of the case.
13. Pending application(s), if any, shall also stand disposed off.

29.02.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No