



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47202 of 2024
Date of Decision: 06.11.2024

Vikash @ Gogga @ Vicky ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Bhupender Ghanghas, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Abhimanyu Singh, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0154 dated 13.04.2024 registered under Sections 186, 195-A, 294, 332, 341, 353 of IPC, at Police Station Bhiwani City, District Bhiwani.

2. The FIR in the present case was registered on the basis of the statement made by ASI Dharam Singh and the same has been reproduced below:-

*“To Incharge, Police Post, Anaaj Mandi, Bhiwani, Sir,
I am ASI Dharm Singh, posted as IO in Belt No. 46 Police Station
Sadar Bhiwani. Today on 13-4-2024, I left for village Kitlana, in
my private vehicle no. HR-20AS-3420 from the Court of Bhiwani
for investigation in case No. 192/24 Police Station Sadar, Bhiwani.*



I received a WhatsApp call on my number (9813086502) from a number 8814067555 at 1.28 PM and later also. The call from this number was of Vikas alias Goga S/o Ramesh resident of Golagarh, Vikas alias Goga, was arrested by me in case No.11/24 U/S 388, 452, 506, 34, 120B, 379-A IPC in Police Station Sadar Bhiwani and further investigation was carried out by me. Vikas alias Goga, has a criminal record. He had earlier also threatened to kill me on WhatsApp. He calls on WhatsApp so that recording is not done. Today I did not receive his WhatsApp call. Today when I was going to village Kitlana, in my private car for Bawardi Taptish, when my car crossed Loharu Road railway crossing and reached the side of the bridge, Vikas alias Goga blocked my way by placing his motorcycle in front of my car. He came to me after placing his motorcycle in front of my car and said that I will not let you work and will not let you do any police work outside Bhiwani nor will I let you go out of the city. I saved my car from there and when I reached near the auto market, due to a problem in the brakes of the car, I parked the car in Yadav Motor Workshop Bhiwani for checking and repair. I was sitting with the owner Manoj Yadav in this workshop office, there was another customer also sitting there whose name I do not know. Vikas alias Goga still followed me and came to Yadav Motor Workshop. After reaching there, he started abusing me and said that get out, there are cameras here, it will become a proof that I have come to finish you. You had arrested me and my girl friend Pooja alias Nikita Dancer, today as soon as you come out, I will shoot you. There are many cases against me already. One more is fine. I will also get a strong case registered against you when Pooja alias Nikita comes out, these days women have the power. I have full suspicion that he had a revolver. For help, I called the Bhiwani Control Room on phone number 8814011461. While leaving, the above-mentioned Vikas had also said that if I find you alone anywhere, I will shoot you; hand over



my confiscated phone, which you had used in the case, to me by this evening. Vikas alias Vicky alias Goga S/o Ramesh, a resident of Golagarh has obstructed government work by blocking my way. He has used abusive language and threatened to kill me. He has disgraced me in uniform in front of the public; there are cameras installed in the workshop office and workshop which have recorded the matter. Legal action should be taken against the above-mentioned Vikas, who is a person of criminal nature. My life and property are in danger from him. Earlier also, a case of illegal possession of arms has been registered against him. SD Dharam Singh, Applicant ASI Dharam Singh.”

3. Learned counsel for the petitioner contends that in the present case, it has been falsely alleged by the complainant that the petitioner had used abusive language and had threatened to kill the complainant. In fact, the petitioner had moved an application dated 25.12.2023 (Annexure P-3) against certain police officials, who were investigating the case FIR No. 113 dated 17.11.2023, registered at Police Station Women Police Station, Bhiwani. Even the petitioner had moved a complaint against the present complainant to the higher police officials. Due to this, the complainant and other police officials had concocted a false story and involved the petitioner in a criminal case. He further contends that the petitioner was arrested in the present case on 16.04.2024 and is in custody for the last about 7 months. He further contends that even though 9 more cases were ordered to be registered against the present petitioner, but he is acquitted in five cases.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by



learned counsel for the petitioner on the ground that the petitioner is a habitual offender and had threatened a police official. Thus, the petitioner does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, undoubtedly very serious allegations have been leveled against the petitioner, but now the petitioner has already suffered incarceration for a period of about 7 months and the trial is not even formally commenced against the petitioner. Thus, the custody of the petitioner will not serve any meaningful purpose. Still further, several criminal cases were ordered to be registered against the petitioner, but the same cannot be denied the concession of bail in the present case only on the ground that the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831 wherein, it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty



Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report every 1st Monday in English calendar month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed

seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

06.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No