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2024:PHHC:169744



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47727-2024
DECIDED ON: 13.11.2024

NARESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Bhumika Khatri, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG Haryana

Ms. Mehak Ghangas, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in FIR No.738, dated 10.08.2023, under Sections 195-A, 506 and 201 of IPC, 1860, registered at Police Station Samalkha, District Panipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, SHO Police Station Shivaji Colony Rohtak. I, Kavita, w/o Dilawar, r/o Beholi, Thana Samalkha, District Panipat, respectfully submit the following: I have a son and a daughter, both of whom are married. My son, Rahul, lived with my mother, Roshni, in Vijaynagar, Rohtak, in 2018. On 18th August 2018, Naresh, s/o Hariram, r/o Mahmudpur, District

Sonipat, entered my mother's house in Vijaynagar and stabbed my brother, Sanjay, to death. In that case, my son Rahul and Radhika are the main witnesses. Rahul and Radhika have been living on Chulkana Road, Samalkha, for the past five years. About six months ago, Naresh was granted bail, and since then, he has been threatening to kill my son, daughter, and daughter-in-law in Samalkha. I have video and audio evidence of these threats on my mobile phone. One day, Naresh came near our house and got injured. Since then, he has been threatening me on my son's mobile phone as well as my own (number 9671603640). Wherever I encounter him, he threatens to kill me and has explicitly stated that if my son and daughter-in-law testify against him on 2nd September 2023, he will kill them. Naresh repeatedly sends photos of a pistol to our mobile phones in Samalkha. I request that appropriate action be taken against Naresh and that my family be provided with protection. SD- Kavita, w/o Dilawar, r/o Village Beholi, District Panipat (9671603640). Today, upon receipt of the application at the police station, an incident reported on Chulkana Road, Samalkha, District Panipat, led to the registration of case no. 512 dated 09.08.2023 under sections 195A and 506 of the IPC at Police Station Shivaji Colony, Rohtak (ZERO FIR). This case is being forwarded to the concerned officers via post. For investigation, the ZERO FIR is being sent to the appropriate police station at Samalkha, District Panipat, through CCTNS and via email at shosamalkha@gmail.com. The SHO has been informed of the matter. The case was registered in the presence of SI Prakash Chand 187 of Police Station Shivaji Colony, Rohtak. Today, ZERO FIR No. 512 dated 9.8.2023 under sections 195A and 506 IPC has been recorded. Based on the application, the crime under sections 195A and 506 IPC has been registered as case no. 738 dated 10.08.2023. Computerized copies of the FIR have been prepared, and the original complaint, along with a copy of the FIR, is being sent to Sub Inspector Harnarayan, Incharge of Police Outpost Samalkha, for further action. Remaining copies of the FIR will be sent to the concerned officers via post. The First Information Report was registered in the presence of SI Satbir Singh”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as he has not committed any

offence. He further submits that there is no material with the prosecution to connect the present petitioner with the alleged commissioning of offence. It is contended on behalf of the petitioner that investigation has already been completed, wherein nothing is to be recovered from him, therefore, no useful purpose would be served by keeping him behind bars.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He vehemently opposes the prayer made in the instant petition on the ground that the petitioner is a habitual offender, as he is involved in other cases. He further submits that the petitioner has been specifically named by the injured, therefore, does not deserve any concession of bail at this stage.

Status report dated 08.11.2024 filed by way of an affidavit of Narender Singh, HPS Deputy Superintendent of Police, Samalkha, Panipat is taken on record. Paras 3 & 4 of the status report read as under:-

“3. That the role of the Petitioner is that he is specifically named as accused in the FIR. He developed an unreciprocated affection for the daughter of complainant namely Anita , Monika @ Mona, whom he met her at a wedding. Despite her refusal, he persistently pursued her, ultimately locating her at her uncle's residence, where he reportedly killed her uncle. Following a period in jail for the murder, he resumed his attempts to contact and pressure Anita to marry him, threatening her and her family from deposing against him. Later, he intensified his harassment by repeatedly calling and issuing death threats to Anita and her family members by sending audio and video clips, showing weapons etc.

4. That the Petitioner is/was also found to be involved in four other FIRs as per police records verified by investigating officer on the ICJS Portal and records of the verified by the Police Station Samalkha i.e., FIR No.502/2018, under Sections 302, 324, 452 of IPC at P.S Shivaji Colony. Rohtak. The petitioner is on bail in this case and the case is pending trial. (il) FIR No. 437/2019 u/s 174-A of IPC, PS Sadar, Karnal. The petitioner was convicted in this case vide judgment dated 20.02.2020 and was

sentenced to undergo already undergone period. iii) FIR No. 911/2017 u/s 323, 324 of IPC, PS Sadar, Karnal. The petitioner was convicted in this case vide judgment dated 12.02.2021 and was sentenced to already undergone period. (iv) FIR No. 480/2017 u/s 436, 506 of IPC, PS Samalkha, District Panipat. However, the petitioner was acquitted in this case vide judgment dated 22.01.2021.

4. **Analysis & Conclusion**

After considering the submissions made by learned counsel for respective parties, this Court is of the view that the allegations against the present petitioner are serious in nature. The petitioner is accused of threatening the complainant, her son, daughter, and daughter-in-law with the intent to coerce them into giving false testimony in a murder case pending against him, related to the alleged murder of the brother of the complainant. Additionally, he is accused of destroying his mobile phone, which was allegedly used in the crime, to avoid legal consequences. Moreover, the petitioner is a habitual offender, as he is involved in other case, as has been submitted by learned State counsel.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In the light of above, this Court does not find any merit in the present petition. Hence, the same stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

13.11.2024

Sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No