

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54538-2024
Date of Decision:21.11.2024

Baldev Ram ...Petitioner

VS.

State of Haryana ...Respondent

(ii) CRM-M-55261-2024

Sharwan Kumar ...Petitioner

VS.

State of Haryana ...Respondent

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

Present : Mr. Rajat Mor, Advocate
for the petitioner in CRM-M-54538-2024.

Mr.Babbar Bhan, Advocate
for the petitioner in CRM-M-55261-2024.

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

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two bail petitions i.e. CRM-M-54538-2024 titled as “Baldev Ram Vs. State of Haryana” and CRM-M-55261-2024 titled as “Sharwan Kumar Vs. State of Haryana”, whereby the petitioners have prayed for grant of regular bail to them in case FIR No. 278, dated 07.09.2024, registered under Sections 13,07 of P.C Act and 308(2),61 of BNS (Section 215 of BNS added later on) Police Station Badli, District Jhajjar (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Amit Kumar son of Sh. Satpal and the same has been reproduced below:-

“To the Superintendent of police, Bahadurgarh. Sir, I, Amit Kumar S/o Sh. Satpal is resident of Bupania Village. I am running a medical store in a rented premises. On 04.09.2024, I was sitting at my store. A white colour Aura car bearing no. HR-13T-4211 came and stopped in front of my shop, and two persons in civil dress alighted from the car and came to my shop. They inquired me about the owner of the shop. On this, I disclosed to them that I am the owner of the shop. Thereafter, they asked me to send the customers out of the shop and started checking shop while sitting on my chair and told that they have received complaint against me about selling of drugs and asked to show the license. When I asked about their identity. They disclosed that they are from CM Flying. After seeing the licence and other documents, they asked to me handover whatever the illegal items, medicine, injections etc. were kept in the store, otherwise they will take out the illegal items themselves. Thereafter, one person asked me to come in the backside area where no CCTV camera is present in the store and threatened to seal the store by saying that they have received complaint. He also asked me whether I knew someone in the police department. At this, I told them that my uncle lives in my neighborhood. Then they asked me to call him. On this, I called my Uncle Navneet Kumar who is serving as ASI in CID at his shop. In the meantime, my father also came at the store. My Uncle talked with them and try to dissolve the matter. Thereafter, one person took me in his car and said that the store could be sealed if you want to save your store then give me Rs. 1 lac. He also assured me that they will not disclose this fact to anyone and my team will not visit the store. He threatened me that if they come to store then they will find something illegal and they will seal the store. I denied to give the bribe as I was not engaged in any illegal act,

then they said that it is we who has to see whether you commit illegal activity or not. Thereafter, they again threatened to seal the shop and made pressure to give bribe of Rs. 1 lac. I requested him that I have not such huge amount and he asked to arrange Rs. 60,000/-, otherwise your shop will be sealed. I again prayed, then the matter was settled in a sum of Rs. 41,000/-. Thereafter, I asked my father to bring an amount of Rs. 41,000/- from home and my father gave them Rs. 41,000/-. After taking the said amount, they threatened me, if I will disclose to anyone, they will seal the store. In the evening, I inquired about them from ASI Navneet and he disclosed their identity as ASI Baldev and Sharvan from CM Flying, Rohtak. When I checked CCTV cameras installed in the store, I found that my Uncle was giving signal for demand of bribe of Rs. 1 lac by raising one finger and thereafter they demanded Rs. 1 Lac. When I said to my Uncle that I will make complaint then my uncle requested me not to make the complaint because my money have been returned and in case of complaint, he will face disrepute in the society as well as in his department. That I now came to know that in-fact applicant Baldev is a constable, he impersonated himself as ASI and by cheating me and threatening me of sealing of shop has taken money from me. That these police man are dangerous for society and on these police man a strict action should be taken show that they cannot harass any other person like this. SD/-Amit Kumar S/o Satpal resident of Village Bupania, Mobile No. 9034098652. ”

3. Learned counsel for the petitioner Baldev Ram (petitioner in CRM-M-54538-2024) has vehemently argued that the incident had allegedly taken place on 04.09.2024, whereas, the FIR was lodged after a delay of 03 days i.e. on 07.09.2024. He further contends that the prosecution has wrongly relied upon the CCTV footage, which is yet to be examined the Trial Court. Learned counsel has also placed reliance on the order

(Annexure P-2) passed by the Court of Sessions Judge, Jhajjar, whereby the concession of bail has been granted to Navneet Kumar, similarly placed co-accused. He further contends that the petitioner was arrested in the present case on 07.09.2024 and the investigation has already been completed against him. Even, Meena, wife of the petitioner is also serving in police department and at an advance stage of pregnancy. Thus, the petitioner deserves sympathetic consideration by this Court.

4. On the other hand learned counsel appearing on behalf of Sharwan Kumar (petitioner in CRM-M-55261-2024) has raised similar arguments. He also submits that the petitioner was arrested on 07.09.2024 and the conclusion of the trial may take quite a long time.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner(s) on the ground that both the parties are involved in serious crime and sufficient evidence has been found against them, during the course of the investigation.

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

7. In the present case, the petitioners are in custody for the last more than two months and the challan has already been presented against them. Moreover, co-accused namely Navneet Kumar has already been granted the concession of bail by the Court of Sessions Judge, Jhajjar on 18.10.2024. The petitioners are not more required for the purpose of investigation in the present case. Apart from that, the petitioners are not in a position to influence the witnesses of the prosecution and no purpose will be served by sending them behind the bars.

8. Without commenting on the merits of the case, the present petition(s) is allowed. The petitioners are ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

21.11.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No