

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

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CRM-M-58390-2024

Date of Decision: 04.12.2024

MAHENDER SINGH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gaurav Datta, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.207 dated 27.07.2023 registered under Section(s) 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 120-B, 180, 195, 201 and 420 IPC and Sections 7 and 12 of Prevention of Corruption Act at Police Station Siwani, District Bhiwani (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by SI Virender Singh on 27.07.2023. The complainant along with other police officials were present in connection with the patrolling duty and on receipt of a secret information, Rajesh and Rajeev, co-accused were arrested by the police while they were carrying 01 kg 482 grams of charas without any permit or license. During the investigation, Priyanka wife of Rajeev, co-accused moved an application to the police and alleged



that Manoj, Advocate and Raghubir wanted to grab the sale proceeds of their plot and due to this they had falsely involved Rajesh and Rajeev in a false criminal case. On investigation of the said representation, which was found that Manoj, Advocate and Raghubir had hatched a criminal conspiracy and falsely got Rajesh and Rajeev involved in the present case just to grab the sale proceeds of a plot. The petitioner was alleged part of the raiding team, which had arrested Rajesh and Rajeev in the present case.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor had any concern with the recovery of charas from Rajesh and Rajeev, both the accused. He submits that the petitioner was arrested after several months on 04.06.2024 and is in custody for the last more than six months. He further contends that after completion of investigation challan has already been presented against him. Learned counsel further placed reliance upon the order Annexure P-5 to contend that the Manoj has already been granted the concession of bail by this Court. Similarly placed other co-accused namely Raghubir has also been released on bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was a key conspirator in falsely involving the accused in the present case. She further submits that the petitioner is a police official and would be in a position to influence



the witnesses of the prosecution. Thus, he does not deserve the concession of bail by this Court.

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

6. In the present case two co-accused namely Manoj, Advocate and Raghubir have already been granted the concession of bail by this Court. Whether the co-accused namely Rajesh and Rajeev were carrying the contraband on their own or was planted on them by the police officials is a subject matter of adjudication before the trial Court and both the parties are yet to lead their respective evidences in this regard. The petitioner is in custody for the last more than six months and challan has already been presented against him. Thus, no purpose will be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to 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 involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*
- (vii) *The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

04.12.2024

M.Sikka

(N.S.SHEKHAWAT)

JUDGE

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