



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12425-2025
DECIDED ON: 30.04.2025

PRINCE @ GOLIPETITIONER
STATE OF PUNJABRESPONDENT

CRM-M-12402-2025

DEEPAKPETITIONER
STATE OF PUNJABRESPONDENT

CRM-M-11807-2025

GUDDUPETITIONER
STATE OF PUNJABRESPONDENT

CRM-M-11897-2025

TANEESHPETITIONER
STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahil Goel, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG Punjab
Ms. Malkit Kaur, Advocate for the complainant

SANDEEP MOUDGIL, J (ORAL)

This order shall dispose of the above-cited four criminal misc.petitions arising out of the same FIR wherein the petitioners are co-accused.
For the sake of order, CRM-M-12425-2025 is treated as the lead case.

1. Prayer

The jurisdiction of this Court has been invoked for the 2nd time under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR

No. 330, dated 28.07.2024, under Sections 309 (4), 310 (2), 308 (2), 331 (6), 111 of BNS, (Section 190, 191, 238, 324(2), 61 (2) of BNS, 2023 added later on) Police Station Zirakpur, District SAS Nagar, Mohali (Annexure P-1)

2. **Facts**

Facts as narrated in the FIR reads as under:-

"Copy statement, "Statement of Parveen Kumar alias Hani son of Kuldeep Singh resident of village Datol, Police Station Bangana, District Una Himachal Pradesh; presently Residing at Hotel G Plaza near Patiala Chowk Zirakpur, Police Station Zirakpur, District S.A.S Nagar, aged about 34 years, Mobile number 7696293510. It is stated that I am a resident of the above address and work in hotel line at Zirakpur for the last about 4-5 years; and I have one hotel with the name of G Palaza near Patiala Chowk; and 2nd hotel with the name of New Style and on its back side, 3rd hotel which is being run by Anmol on rent. About 10-15 days ago, Sahil Thakur resident of village Chhat often used to meet me in the market; and he used to say that what issue do you have with Firoz Khan, who said that you step back, otherwise I will see you in my own manner; I have my own group in Zirakpur. There are 40/50 boys in my group. I have higher links; You have to pay me Rs.50 thousand every week; If you do not pay this amount, then I will close the hotels. On 24.07.2024, I was present at my hotel new style, then at: about 10:45 pm., Nikhil resident Banur and Samma went to my another hotel G Plaza and enquired about me as to where I am; and after asking about me, they went to my other hotel New Style; and I had left from there with regard to my work; then they went inside my new style hotel and started threatening my staff; and they left by saying that to tell your owner to close his hotels or else he will suffer bad consequences. My staff informed me all this over the phone. Then on 25.07.2024, at about 4-5 pm, Sahil Thakur alongwith 19/20 young persons came to my hotel on motorcycles and asked about me; at that time, they all were having swords and wooden sticks and forcibly closed all my hotels; and said that we have no fear of the police. I got scared and did not tell this to anyone; They said that they have links with higher persons. Last night, on 27.07.2024 at about 10 p.m., I received a phone call from my hotel New Style, that Sahil Thakur along with 25-30 persons has come on motorcycles and they all are having sword and wooden sticks and baseball

bats, and they all broke the glasses of my three hotels, LEDs, AC's and other items lying inside the hotel; and snatched Rs. 20,000/- from Ravinder, employee, standing on the counter of the hotel New Style; and also taken away the DVR installed in the hotels. In this regard, till now, I had been inquiring about them. I have come to know that along with Sahil Thakur, Nikhal Chaudhary resident of Banur, Chetan resident of Dhakoli, Samma resident of Badal Colony, Zirakpur, Baaz resident of Banur, Rana resident of Banur, Vishal Resident of Dhakoli, Jassi resident of Dhakoli, Baman resident of Banur, Kapil son of Rakam Singh resident of Sukhna Colony Zirakpur, Kuldeep resident of Preet Colony Zirakpur, Rakesh resident of Sukhna Colony Zirakpur, Deepak resident of Sukhna Colony Zirakpur, Hanni resident of Sukhna Colony, Zirakpur, Harpreet Singh alias Happy son of Karnail Singh Preet Colony Zirakpur, Prince S/o Som Nath R/o Sukhna Colony Zirakpur, Lokesh son of Ramesh resident of Sukhna Colony Zirakpur; Deepak son of Baldev Singh resident of Preet Colony, Zirakpur, and 10-15 unknown persons were also present. I can recognize all of them, on coming in front of me. Now I was going to police station to give information in this regard; and you met me near Kohinoor Dhaba, Ambala Road, Zirakpur. I have got recorded the statement, heard and same is correct'

3. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner applicant has been falsely implicated in the present false and baseless case wherein the police arrested him on 28.07.2024 and is in custody since then. He submits that initially the FIR was registered against unknown 19 persons and even he is not named therein, however, the complainant, who is contemporarily running hotel business with the petitioner, has connived with the police and got him implicated in the present case to settle his personal score out of animosity against the petitioner. It is further submitted that there is a tripartite partnership deed dated 04.03.2023 with the complainant with one Rafeeq Raja to carry on business of hotel under the name and style of "Hotel Deep" at Zirakpur-Chandigarh Highway

Road, District SAS Nagar, Punjab. He argued that since the complainant cheated the said Rafeeq Raja and grabbed his fund share, the said partnership deed was dissolved and he started the business with new hotel “Chandigarh Highway Inn” which is giving tough competition to the complainant’s hotel and it is because of this business rivalry the complainant has purposely implicated the petitioner and other co-accused .

It is argued that no role has been attributed against the petitioner inasmuch as despite claiming that a large group of people armed with swords and weapon caused damage to the complainant’s hotel, there is no CCTV footage or eye witness to the same which is totally indigestible and thus the lack of any link evidence against the petitioner undermines the credibility of the prosecution case.

4. Contentions:

On behalf of the State and the complainant

Learned State counsel has filed custody certificate dated 29.04.2025 in respect of the petitioner. The same is taken on record. According to the custody certificate, the petitioner has undergone 8 months and 29 days of custody whereas challan in the present case was submitted on 10.10.2024 and charges are yet to be framed. It is contended that the petitioner has been an active member of the group who has gone to the hotel of the complainant and there are allegation of demand of money per week which appears like protection money being demanded to let the complainant run his hotel. He further averred that the incidents have been repeated by the petitioner and the co-accused who have acted against the law and in such circumstances, if the petitioner is released, he may abscond to avoid the trial or may tamper with prosecution evidence.

5. Analysis

Considering the totality of circumstances, including serious allegations of extortion and specific allegations against the petitioner in the FIR and investigation, it appears that the petitioner was an active participant in a group which gathered at the hotel of the complainant with swords, wooden stick, baseball bat etc. and forcibly closed all his three hotels, namely, G-Plaza, New Style and Anmol showing fearlessness against the rule of law and also snatched money from the employees working in the hotel of the complainant. Moreover, the petitioner has been specifically named in the FIR also and since the case involves a group of goons who have allegedly threatened the complainant, the petitioner cannot wither away with the pleading that there is no eye witness to the incident.

The repeated incidents and demand for weekly payments suggest a pattern of extortionate behavior. Given the petitioner conduct, it is undeniable that releasing the petitioner and other co-accused persons on bail may lead to absconding or tampering with prosecution evidence and that too when there are no material changes in circumstances since the dismissal of the first bail application, as such, the petitioner's bail plea is liable to be rejected.

Relief

In view of the above discussion, there is no merit in the present petition and the same is accordingly dismissed.

(SANDEEP MOUDGIL)
JUDGE

30.04.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>