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

CRM-M-16887-2025

Date of decision: 27.03.2025

Swaran @ Madan Lal @ Swaran Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit, Advocate and
Mr. Pavitra, Advocate for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.0267 dated 29.10.2024 under Sections 3(5), 308(2), 308(6) of BNS, 2023 and Sections 384,389,34 IPC registered at P.S Uklana, District Hisar.

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

“ To SHO Police Station Uklana (Hisar). Subject- for taking action against Neelam wife of Mahavir Resident of Budhakhhera and Ex-Sarpanch Madan Lal resident of Kinala and other involved persons



for embezzlement / extortion of money by showing fear of registering the rape case. Respected Sir, I Satish son of Ramkumar resident of Amardeep Colony Kaimri Road, Hisar. I am law abiding & peace loving citizen. My brother Anoop Dhanak has remained Minister in Government of Haryana. I use to maintain political work by remaining accompanying with my brother Anoop. Around 2 years ago Neelam wife of Mahabir Resident of Budhakhera met me at my house in Uklana Mandi and Neelam told me that I do work under Manrega in village Budhakhera. And told that make my copy of Labour work so that I can get benefit related to labour and I also helped Neelam in that course. Thereafter she came to me regarding her work and whatever work was related to me, I did work and also helped her in monetary terms. Thereafter Neelam slowly slowly started thinking of making relationship with me, however I clearly refused and I stopped helping her. All such talks are of year 2022. Thereafter Neelam from her mobile number 8168470014, started doing whatsapp messages on my mobile number 9416625981 that I will implicate you and your brother Anoop in any case, defame due to which your political career will be spoiled. Thereafter I due to fear of defamation of myself & my brother, disclosed all this to my dharam brother Satish son of Zile Singh resident of Matloda and asked him to contact with Neelam and Satish helped us and talked with Neelam then Neelam told Satish that bring Rs. 10 lacs from Satish Dhanak and I will be quite. Due to fear of defamation of myself and my family, I agreed to give amount of Rs. 6 lacs 50 thousand instead of Rs. 10 lacs and I sent my dharam brother Satish with this amount on which Satish contacted with Neelam on mobile phone & whatsapp and gave amount of Rs. 6 lacs 50 thousand at her home on 14.05.2023. Thereafter on 10.07.2023 Neelam again started demanding amount of Rs. 1 lac 50 thousand from Satish resident of Matloda on account that her amount of Rs. 10 lacs have not yet completed you have given Rs. 3 lacs 50 thousand less to me complete my amount and only then I will acknowledge. Thereafter we refused regarding the amount, then Neelam through his known Sajjan Indachui send one application on my whatsapp on 10.09.2023 and told that Neelam is giving this application against you, whatever is her demand, fulfill that. Thereafter I talked through Satish for amount of Rs. 5 lacs and



amount of Rs. 3 lacs had been given to Neelam in Hisar Court on 21-09.2023 and amount of Rs. 2 lacs has been given on 28-12-2023. That Neelam gave her affidavits on both occasions. After that at time of elections on 02.10.2024, Dhoopsingh Thakan resident of Bheri Akbarpur who used to stay with me, received call on 9416867135 from mobile no. 9817872553 from Ex. Sarpanch Madan Lal Kinla at about 11.00 o'clock in night that tell your known Satish Dhanak that your matter & matter of Neelam will again rise amid elections and yesterday vote bank level of your party will be decreased because Neelam has met with me and she is saying that tomorrow by arranging media, matter will be unveiled. Thereafter on 03.10.2024 Madan Kinla and Neelam came in front of our house on Daulatpur Road Uklana who were in Breeza car. Upon reaching there started saying to my dharam brother Satish that give amount of Rs. 25 lacs otherwise media will be called here, matter will be unveiled. On this Satish Matloda contended Madan Kinla and Neelam for amount of Rs. 8 lacs and on 04.10.2024, gave them amount of Rs. 2 lacs from my known Dhoopsingh. That Neelam is again & again extorting amount from me on account of creating pressure qua registration of case of rape. That even now she is demanding amount of Rs. 9 lacs by contacting with my dharam brother Satish. That I have threat of life & liberty. Therefore you are requested that Neelam wife of Mahabir and Ex. Sarpanch Madan Kinla and description of other persons involved in the entire plan may kindly be ascertained, appropriate action be taken. SD Satish Kumar Applicant, Satish son of Ram Kumar resident of Amardeep Colony Kaimri Road Hisar 29.10.2024 Mob 9813370104. Place Police Station Today on 29.10.2024 complainant Satish above said came in Police Station, tendered the above complaint. From the contents of said application, offence under Sections 384,389,34 IPC & 308 (2), 308(6), 3(5) BNS is appearing to be committed, FIR has been registered, copies of FIR has been prepared through computer. The same will be sent to Illaqa Magistrate and higher officials through Dak. Copy of police file with original application is being sent through HC Pardeep 607 to SI Dayaram 953 for further proceeding. SHO has been informed through Telephone. ”



3. Contention

On behalf of the petitioner

Learned counsel for the petitioner would contend that there is inordinate delay in lodging the FIR. FIR in the present case was registered on 29.10.2024 whereas the alleged amount of Rs.6,50,000/- was given to Neelam on 14.05.2023. It is asserted that the petitioner has joined investigation on 26.11.2024 with the Investigating Officer and has fully cooperated with the investigation. It is contended that the present complainant is real brother of Ex-Minister named Anoop Dhanak and therefore the fact of petitioner being involved in this case under the pressure/influence of said Minister cannot be ignored. He contends that the FIR is nothing but an after thought and counter blast to the petitioner being elected as Sarpanch in the election of Gram Panchayat. His wife also remained Zila Parishad during the year 2010-2015. That apart, the petitioner undertakes to join the investigation as and when called upon to do so. Main accused namely Neelam already stands arrested on 29.10.2024 and nothing is to be recovered from the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Aashish Bishnoi, Advocate accepts notice on behalf of the respondent-State, and opposes the grant of anticipatory bail on the ground that the petitioner is a habitual offender and is involved in 21 other cases.

4. Analysis

Be that as it may, considering the fact that there is inordinate delay in lodging the FIR coupled with the fact that the petitioner has already joined the investigation and nothing is to be recovered from the petitioner. The fact of complainant having considerable influence/political clout being brother of Ex-



Minister also raises doubt in the mind of the Court. Taking note of cumulative effect of all the facts, custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one



week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.03.2025
manoj

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No