

2025:PHHC:153961



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

228

CRM-M-28722-2025 (O&M)
Date of decision : 10.11.2025

Jogender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Partap Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner
in case bearing FIR No. 116 dated 28.03.2019, registered under Sections
186, 307, 353 and 34 of IPC and Section 25 of the Arms Act, 1959 at Police
Station Dharuhera, District Rewari.

2. The aforementioned FIR was registered on the allegations that
on 28.03.2019, a secret information was received by Inspector Sonu to the
effect that the present petitioner, who was a wanted criminal with
Rs.50,000/- bounty upon him, along with his associates was going from
Dharuhera towards Jaipur in a car. It was informed that he was involved in
several cases of abduction for ransom, attempt to murder, murder and
dacoity and was armed with weapons and could be apprehended. Believing

2025:PHHC:153961



the secret information to be true, a raiding party was immediately formed and a barricade was laid at Sabi river bridge. Some time thereafter, a white Xcent car reached at the spot. The raiding party surrounded the same. Four youths were found to be sitting in the said car. They were asked to come out. One of them alighted from the car. He was armed with a weapon and made an exhortation to shoot the police officials and then another youth fired upon the complainant with an intent to kill him but he had a narrow escape. Then, all the four youths started indiscriminate firing at the raiding party and also started running towards forest area in different directions. However, they were apprehended. On asking, they disclosed their names as Jogender, Shiv Kumar @ Siba, Deepak and Kamal. Recovery of cash amount of Rs.49.70 Lakhs and some illegal arms and ammunition was effected from them. They were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. In fact, he along with co-accused Deepak had been apprehended by the police party on 26.03.2019. He was taken into custody in a case bearing DD No. 10A dated 26.03.2019, registered at Police Station Kirti Nagar and a DDR was registered. No one was injured in the incident. Co-accused Shiv Kumar @ Siba, Kamal Malik and Deepak have already been granted concession of bail. On parity, the petitioner too deserves to be granted the same benefit. His involvement in other cases cannot be considered to be a reason for denying him concession of bail. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose.

With these broad submissions, it is urged that the petition deserves to be

2025:PHHC:153961



allowed and the petitioner deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner coupled with the fact that he is a habitual offender and there are chances of his absconding or committing similar offences or intimidating the witnesses, he does not deserve to be released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has considered the submissions made by both the sides.

6. The petitioner along with the co-accused is alleged to have caused obstruction in performance of lawful duty of the police officials including the complainant when they had stopped him on the fateful day and is further alleged to have made an attempt to kill them by firing shots with a firearm upon them. Recovery of one pistol had been effected from him. Similarly situated co-accused have been granted concession of bail. The petitioner is in custody for the last about 06 years and 07 months. The trial is likely to take time to conclude. No doubt, the petitioner is involved in 11 other cases and is also a convict under Sections 364-A read with Section 34 of IPC, however, it is well settled law that an accused cannot be denied bail merely because of his involvement in other cases. Keeping in view the facts as enumerated above, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned

2025:PHHC:153961



and on the 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 or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall deposit his passport, if any, and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No