

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

2026:PHHC:052841



111

CRM-M-9745-2026

Date of decision: 07.04.2026

Date of uploading: 07.04.2026

Surender

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Govind Mor, Advocate, for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

Mr. Salil Dev Singh Bali, Senior Advocate
assisted by Mr. Jaiveer Singh Bali, Advocate, Ms. Aarti Singh
and Ms. Simmy Gupta, Advocate for the complainant

SUMEET GOEL, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS 2023 is for grant of regular bail to the petitioner in case FIR No. 241 dated 18.09.2024 registered under Sections 305(C), 318(4), 324(4), 324(5), 61(2), 317(2) of BNS 2023, at Police Station Siwani, District Bhiwani.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Today on 12.09.2024 at 09.00 PM Mr. Khemaram son of Achalaram Godara, caste Jat resident of Chilanadi Kanod, Tehsil Gida, District Barmer, Rajasthan, came to the police station and filed a written report to Mr. SHO Police Station Siddhmukh, District Churu for registering a case. Regarding the application letter, it is my submission that I am the applicant Khemaram Godara son of Mr Achalaram Jat

resident of Chelanadi, Post Kanod, Tehsil Gida, District Balotra, Rajasthan, and I am the owner of MP Transport Co. Gandhidham (Gujarat). And since 2012 I am doing transport work in Gandhidham Gujarat and I am supplying chemical through my vehicles in different parts of the country. On 05.09.2024 my car no. GJ 12 BY 1397 Truck Tanker TATA SIGNA 42 from Kandla Port Chemical called Phenol which Advance Decorative Laminates Pvt. LTD was filling up for Hapur (UP) This vehicle was being driven by the driver Dalaram son of Shri Girdhari Ram caste Jat resident of Siagon ki Dhani, Khudasa District Barmer (Raj.). The said vehicle was going to Hapur on NH-52 on 10.09.2024 when the vehicle turned from NH-52 Siwani Bypass to Siddhamukh Road near Dhanouthi Tirahe, Surendra Sio Vijay Singh Poonia, a Jat resident of Dhanouthi Chhoti near Dharmakanta. 32 tons of phenol chemical worth Rs. 36,15,437 (Thirty Six Lakh Fifteen Thousand Four Hundred Thirty Seven) is loaded in my said vehicle which stopped near the warehouse belonging to Surendra. Tanker driver Dalaram and Surendra son of Vijay Singh resident of Dhanouthi Chhoti and Kuldeep alias Dholu liquor contractor and chemical smuggler who is a resident of Siwani along with many other people together stole the chemicals from the truck and filled the drums and stole from the godown or nearby. It has been sold to chemical buyers. Sir, the chemical smuggler of Siwani along with the drivers of the tankers coming from Gujarat on District Churu NH-52 for a long time, who together with all the above have stolen chemicals from my tanker and got it done. This is a stolen chemical which is worth several lakhs of rupees and is supplied to major traders around Delhi. There were two GPSs in my car out of which the driver was not aware of the other GPS. A GPS was opened on NH-52 on Siwani Bypass and the vehicle was brought from NH-52 to Siddmukh Road near Dhanouthi Tiraha warehouse so as not to be caught and after stealing the chemical loaded in the tanker, the tanker was taken back to NH-52 on Siwani Bypass. After putting the opened GPS back on NH-52 Siwani Bypass, it collided with the JCB but the GPS which the driver did not know about recorded the full route of the said tanker. On 09.09.2024 near Dhanauthi Tiraha Dharmakanta and Godown from midnight of 10.09.2024 from 12.00 pm to 4.00 am in the morning my said tanker has been standing near the said Dharmakarita and Godown. My brother Bhagataram along with me and my transporter Revataram resident of Lapla Barmer reached Dhanauthi Chhoti Tiraha due to the GPS which the driver did not know, then according to the GPS

location my tanker was standing near Dharmakanta and godown on Dhanothi Tiraha Rejdi Road at that time. Surendra's father Vijay Singh was found there near the warehouse. After seeing us, he started to close the warehouse. We said that our tanker has stopped here. There were drums which were used in chemical smuggling. There is a smell of scattered phenol. At the same time, a secret person near the same told us that two days ago a tanker was standing here at night from which Surendra son Vijay Singh, Kuldeep alias Dholu contractor and Kanwar San resident of Siwani and another person from Siwani along with their companions and the driver took out the chemical here and they filled drums with it and kept in this godown only, and around 4 am the tanker went back to Siwani. Sir, our tanker along with our tanker driver Surendra Singh, Kuldeep alias Dhellu and Kanwar Sain residents of Siwani and chemical smugglers of Siwani and others hatched a conspiracy and have either sold the chemical or hid it somewhere in Siwani and some unknown place within it. Stealing chemicals from our vehicle, the thief was not caught, so after stealing the vehicle, he took it back to Siwani Bypass and overturned it with the JCB and tried to pretend to have had an accident and caused heavy damage. All of the said people knew that if a small amount of chemical is left then the vehicle overturning can cause a lot of damage to life and property due to the chemical. Despite that, he deliberately tried to show the accident in such a place. Sir, I am the owner of the vehicle as well as the proprietor of the transport. I have handed over bill, bill T, e way bill for transportation of said chemical. Which was to be delivered to Advance Decorative Laminates Private Limited to Uttar Pradesh, but all the above conspired and stole the said chemical on the way. Sir, I am requesting you to file an FIR against those who stole 32 tons of chemicals from my car worth Rs. 36,15,437/-, SD was submitted by Khemaram Applicant Khemaram Son of Shri Achalaram Godara, Village Chilanahi Kanod, Tehsil Gida, District Barmer, Rajasthan, Pin Code 344034, Mo. No. 09879546206”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 25.11.2025. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question on account of business related dispute. Learned counsel has

further submitted that the co-accused namely Kheta Ram and two other co-accused namely Bhom Singh and Dala Ram have been afforded the concession of regular bail. He has further submitted that the petitioner has suffered incarceration for more than 4 months & is not involved in any other case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the grant of bail to the petitioner by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 04.04.2026 in Court, which is taken on record.

4.1. A written reply has been filed on behalf of the complainant today in Court, which is taken on record. A copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature and in case the petitioner is extended the concession of anticipatory bail, there is all the likelihood that he may interfere with the trial as also intimidate the witnesses and also the FIR-complainant.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.11.2025 and is in continuous custody since then. Challan, upon culmination of investigation, was presented on 21.01.2026. Total 16 prosecution have been cited and it is the conceded position before this Court that none of the prosecution witnesses

has been examined till date. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 04.04.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 4 months & 9 days and is stated to be involved in other FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 07, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No