



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-70115-2025 (O&M)

Date of decision: 02.02.2026

Hemant

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Baljeet Beniwal, Advocate and
Ms. Pooja Chaudhary, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.454 dated 05.07.2024, registered under Section(s) 195-A, 395, 397, 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 [(Sections 323, 506, 34 I.P.C. and Sections 111(3), 308(5), 238(A) of the B.N.S. were added and Sections 195-A, 395, 397, 506 of I.P.C. and Section 25 of the Arms Act, 1959 were deleted, later on)] at Police Station City Ballabhgarh, District Faridabad.

2. Status report by way of affidavit dated 31.01.2026 on behalf of respondent(s)-State has been filed by the learned State counsel today in the Court and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner(s).

3. The FIR in the present case was registered on the basis of statement of Vicky and the same reads thus:-



“To, SHO Sir, Police Station City Ballabgarh, Faridabad

Sir, this is the request that I, the applicant Vicky, son of Shri Madan Lal, resident of H.No. 403 Shiv Sharda Colony Ballabgarh, Tehsil Ballabgarh, District Faridabad. It is that I have opened my shop "Amit Singla General Store" near the bus stand. About 6-7 months ago, Dev Phogat and Pushpendra Phogat and his other associates attacked my shop twice with the intention of killing me. In connection with this, I had lodged two cases in Police Station City Ballabgarh, FIR No. 3/24 U/S 323, 307, 354, 427, 452, 506 and FIR No. 58/2024 U/S 195A, 323, 427, 506, 34 IPC, 25/54/59 Arms Act against them. A few days after they were arrested by the police, Rohit resident of Nacholi came to my shop with some of his associates and started pressuring me to testify in favor of the accused in the case registered by me. In this sequence, he took out a pistol and threatened to kill me after placing it on my chest for not testifying. Due to the fear of death threats given by Rohit and his other associates, I gave testimony and affidavit in favour of Dev and other accused. After Dev and Pushpendra were released from jail, Dev Phogat, Pushpendra Phogat, Keshav Phogat and 10-15 other persons came to my shop on the night of 07.06.2024 and Dev and Pushpendra started taking me to a side of my shop and while leaving, they told their associates to loot that shop. Dev and Pushpendra took me to the side of my



shop and threatened me that from now on, you have to give us Rs. 40,000 per week, in case you do not pay, be ready to face the consequences in the next five days. I have the recording of the same. After which, he started calling me continuously on my number 8383876470 on WhatsApp from 9654250670, 9718901818 and started threatening me, which is continuing today. I received many calls in this regard from 9718901818 and he said that I should bring the amount mentioned by me (Rs. 40,000/-) to Ambedkar Chowk and my man will collect the money from you there. Terrified, I reached Ambedkar Chowk where I received another phone call from Dev Phogat on which he told me that there is a boy wearing a red coloured T-shirt and a cloth tied around his face. He was asked for by me. Give me Rs.40,000/- per week. To save my life, I gave 40,000 rupees to a young boy who was wearing a red t-shirt and had a cloth tied over his mouth. These people have been terrorizing me for a long time. And every time they threaten to kill me. Legal action should be taken against them. I am giving you the CCTV footage of the shop robbery and the call recording of the threat given by Dev Phogat in my pen drive. And I am giving you screenshots from different mobile phones made by them.”

4. Learned counsel for the petitioner contends that the petitioner was not even named in the FIR and has been nominated in the present case solely on the basis of a disclosure statement. It is contended that the only



allegation set out against the petitioner is that he collected the alleged extortion amount of Rs.40,000/- from the complainant and handed over the same to main co-accused, namely, Dev Phogat @ Dev Kumar and Pushpender @ Pushpi, who have already been granted the concession of regular bail by this Court vide common order dated 06.08.2025 passed in CRM-M-34118-2025 and CRM-M-38317-2025. He contends that the petitioner has been in custody since 26.08.2025 and the trial has not yet commenced. He further submits that even though the period of custody undergone by both the said main co-accused was longer than that of the petitioner, however, the said accused were also involved in two other cases whereas the petitioner has no criminal antecedents whatsoever, thus, the case of the petitioner stands on a better footing.

5. Learned counsel for respondent-State contends that the petitioner has participated in the commission of offence along with co-accused, namely, Dev Phogat @ Dev Kumar and Pushpender @ Pushpi and had collected the extortion money from the complainant and handed over the same to the said co-accused. She however does not dispute that co-accused, namely, Dev Phogat @ Dev Kumar and Pushpender @ Pushpi have already been granted the concession of regular bail by this Court. It is also not disputed that the petitioner has clean antecedents.

6. Having heard the learned counsel for the parties and taking into consideration the period of actual custody undergone by the petitioner, the nature of allegations leveled against him, the absence of any recovery from his possession as well as the fact two co-accused have already been granted



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the concession of regular bail by this Court and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

02.02.2026

Mangal Singh

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