



255+261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:06.08.2025

(i) CRM-M-34118-2025

Dev Phogat @ Dev Kumar ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-38317-2025

Pushpender alias Pushpi ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Baljeet Beniwal, Advocate
for the petitioner in CRM-M-34118-2025.

Mr. Munish Behl, Advocate
for the petitioner in CRM-M-38317-2025.

Mr. Dhruv Dayal, Additional Advocate General, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose off above-said two petitions i.e. CRM-M-34118-2025, titled as Dev Phogat @ Dev Kumar Vs. State of Haryana and CRM-M-38317-2025 titled as Pushpender alias Pushpi Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.454 dated 05.07.2024 registered under Sections 195-A, 395, 397, 506 of IPC, 1860 and Section 25 of Arms Act, 1959 (later on Sections 323, 506, 34 of IPC, 1860 and Sections 111(3), 308(5), 238(A) of BNS, 2023 were



added and Sections 195-A, 395, 397, 506 of IPC, 1860 and Section 25 of Arms Act, 1959 were deleted), at Police Station City Ballabgarh, District Faridabad.

2. The FIR in the present case was registered on the basis of the statement made by Vicky and the same has been reproduced below:—

“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. SD-Vicky son of Madan Lal Mobile No. 8383876470.”

3. Learned counsel appearing on behalf of Dev Phogat @ Dev Kumar-petitioner in CRM-M-34118-2025 submits that it has been falsely alleged that the petitioner and other co-accused were extending threats and had demanded ransom. In fact, the date of alleged incident is of 07.06.2024 and the FIR was got registered by the complainant on 05.07.2024. This clearly shows that this FIR was got registered by the complainant, after concocting a false story. Further, the complainant is in the habit of filing of false cases against the petitioner and others, and later on, he settles the FIR by taking money from the accused. Even due to previous enmity, the complainant had lodged a false case



against the mother of the petitioner as well. He further contents that the petitioner was arrested in the present case on 27.09.2024 and is in custody since then. Further, the prosecution has relied upon 18 prosecution witnesses, but no witness has been examined so far.

4. On the other hand, learned counsel appearing on behalf of Pushpender alias Pushpi-petitioner in CRM-M-38317-2025 has also raised a similar arguments and submitted that the petitioner was arrested in the present case on 21.12.2024 and is in custody since then. Even otherwise, at the time of the incident, the petitioner was in jail and could not have threatened the complainant in any manner. Still further, he submits that even the allegations regarding demand of ransom were levelled only against Dev Phogat @ Dev Kumar and not against the petitioner. Thus, the present petition deserves to be allowed by this Court.

5. On the other hand, learned State counsel has placed on record the status reports by way of an affidavit of Assistant Commissioner of Police, Crime-II, Faridabad, which are taken on record and submits that both the petitioners are habitual offenders and are involved in several other cases. Apart from that, there are serious allegations of extortion money against both of them and they had been harassing the complainant. Even the extortion money was demanded by them, which was paid by the complainant in the present case. Thus, keeping in view the seriousness of the allegations levelled against the petitioners, the present petitions deserve to be dismissed.

6. No doubt, several other criminal cases have been registered against the petitioners, but the petitioners cannot be denied the concession of bail in the



present case only on that ground because the petitioners have been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioners are stated to be in custody for the last about seven months. The prosecution has placed reliance on 18 witnesses, but no witness has been examined so far. Still further, there is no material on record to show that the petitioners are in a position to influence the witnesses of the prosecution. Still further, the apprehension expressed by learned State counsel during the course of arguments, can be addressed by imposing stringent conditions on the petitioners while granting them concession of bail in the present case.

7. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following subject to the following conditions:-

(i) *The petitioners 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 them to disclose such facts to the Court or to any other authority.*



- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*
- (viii) *The petitioners shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the rojnamcha. In case, they do not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

06.08.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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