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

CRIMINAL MISC. M-\_\_\_\_\_\_\_ OF 2019

MEMO OF PARTIES

Navrang son of Sh. Hira Lal Verma aged about years resident of Dodha, Neem Ka Thana,Sikar (Rajasthan)

(Now confined in Distt. Jail (Bhondsi) Gurugram)

………………………….…Petitioner

**Versus**

State of Haryana ………………… …Respondent

Chandigarh:

Dated: 10.8.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

FIRST BAIL APPLICATION UNDER SECTION 439 CR.P.C. SEEKING CONCESSION OF REGULAR BAIL FOR THE PETITIONER IN F.I.R. NO.0070 DATED 2.3.2019 UNDER SECTION 22,61 and Section 29 added later on of (NDPS) NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT-1985 REGISTERED AT P.S PATAUDI (Gurugram)

**RESPECTFULLY SHOWETH**:

1. That the petitioner falsely arrayed as an accused in present case for the exterior motives best known to him only. That the above noted false and frivolous case has been got registered against the petitioner . Thus true translation copy of FIR is reproduced as under:- To

The SHO Sahib,

P.S. Pataudi Dist.. Gurugram.

Jai Hind,

Today I, (SI) ASI Suresh Kumar, H.C.Pardeep ,CT Nitin,CT Inderjit were in patrolling duty on Ichhapuri road, then a secret informer met him and informed that at Village Dadawas bus stand, two young boys were sitting in white coloured Scorpio vehical No. HR-47 D -2363, who were having bag containing narcotic drugs, who had come to sell this, if raid was conducted immediately, than these person can empowered. Believing the information to be true, the said SI made his team aware of the same and reached at village Dodawas bus stand .There , he saw that the door of the conductor side of the Scorpio vehicle bearing no.HR-47-D-2363 was open and one boy was standing there and two boys were inside the vehical. They were caught hold of, with help of accompanying police officials. The boy sitting on the conductor seat was having a bag in his right hand, on asking by me, he told his name Sudhir son of Hoshiar Singh cast Ahir village Sham Nagar police station Kosli distt. Riwari and the boy ,who was standing outside, told his name as Deepak son of Mahipal village Riwasa police station Mahendergarh Distt. Mahendergarh and the boy sitting on the driver seat ,told his name as Vikash son of Partap Singh village Java Distt. Charkhi-Dadri . First boy Sudhir who caught hold of, on asking about the bag , he told that in the same there was drug by the name “Methadone” which I and Vikash had come to sell it to Deepak. On this, notice u/s 50 of the NDPS Act was given to Sudhir for taking search of the bag than he read the said notice and wrote in hindi that he wanted to give search of bag in the presence of a gazette officer . Of this , notice was prepared u/s 42 of the N.D.P.S.Act and information was sent to Veer Singh ,HPS Pataudi through CT Naresh -4713 and informed through telephonically also. After some time ,ACP Sahib ,staff and CT Naresh reached at the spot and made inquiry from the three boys and searched the bag. In the bag ,there was a black bag. On opening the same ,white powered drugs Methadone was found which on weighing with the bag, **was found to be 2 K.G. 082 GM and the net weight of the Methadone was 1 K.G. 858 GM.** When the license or permit regarding the said drugs substance “Methadone’ was demanded, the three accused could not produce the same. The recovered Methadone intoxicating substance was put in a pulanda and put three stamp of AS and two stamp of MN by ACP and a parcel of the Mathadon intoxicating substance was made and taken in possession by the police. As the accused Sudhir,Deepak and Vikash kept in their possession narcotics drugs Methadone without any license/permit or any prescription of the doctor, committed an offence under Section 22-61-85 of the NDPS Act . On that basis report for registering the case has been sent to the police thana through CT Nitin . inform and after registering the case and the information also be given to the Narcotics Control Board and also the special report be sent to Senior officers along with illaqa Magistrate and for further investigation , parcel be sent to research Center. Today, Bus Adda village Dadawas Pataudi

Sd- Surender Singh SI.

The true translated copy of FIR is attached herewith as **Annexure P-1**.

1. That as per report of the FSL, alleged recovered martial from the accused is not Methadone Narcotic drugs.
2. That the officials of local police have completed the investigation and filed the challan in the case with biased and prejudiced mind before this Hon’ble Court.
3. That name of the petitioner /applicant is not mentioned in the FIR .The name of the applicant cropped on the disclosure of the co-accused Satender.
4. That there is no recovery or interrogation is to be effected from the present petitioner and the trial would take a sufficient long time and no purpose shall be solved by keeping the petitioner under judicial custody as the petitioner is already **in custody since 4.3.2019.**
5. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.
6. That the petitioner is ready to abide by all the terms and conditions imposed upon him while granting the concession of regular bail by this Hon’ble Court.
7. That the petitioner had applied for regular bail before the Court of Ld. Additional Sessions Judge, Jind ,but ,however, the Ld. Add. Sessions Judge vide order dated 2.8.2019 dismissed the said bail application of the petitioner on surmises and conjectures with the only finding that the offence is of a serious nature . True copy of which is attached herewith as **AnnexiewP-2.**
8. That there is no any other criminal CASE PENDING AGAINST THE PETTIONER AND THE PETITINER IS NOT HAVING ANY CRIMINAL RECORD.
9. That the other co-accused namely Hoshiyar,Satender and Aakash has been granted bail by this Hob’ble Court vide order dated 25.7.2019, for the kind perusal of this Hon’ble Court which are annexed herewith as Annexure P-3 (colly).
10. That no such or similar petition has earlier been filed by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or no any such case is pending in the court of Sessions or any other court.
11. It is, therefore, respectfully prayed that the petition may kindly be granted the concession of regular bail in FIR 0070 dated 2.3.2019 under Sections 22,61 and Section 29 added later on of NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT-1985 registered at P.S. Pataudi Distt. Gurugram in the interest of justice.
12. It is further prayed that the exemption from filing the certified/typed copies of annexures may kindly be granted to the petitioner in the interest of justice.

Chandigarh:

Dated: 10.8.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2019

Navrang ……………….. …Petitioner.

(Accused confined in District Jail (Bhondsi) Gurugram)

Versus

State of Haryana. …………… …Respondent.

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**Similar case If any:-** CRM-M-14680,24021 and 25201 of 2019 has been decided on 25.7.2019 vide Annexure P-3 (colly).

**DECLARATION**

The copies, as required by rule 16 of Chapter I Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon----------- (the person upon whom the copies have been served)----------- at-----------(time) on-----------(date) in--------(place).

**Chandigarh:**

**Dated:10.8.2019 (SURESH AHLAWAT)**

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2019

Navrang ……………….…Petitioner.

Versus

State of Haryana. ………………….…Respondent.

Court fee affixed Rs.\_\_\_\_\_\_

Chandigarh:

Dated:10.8.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District : Gurugram P.S. Pataudi Year: 2019

FIR No.:0070 Dated: 2.3.2019

2. Sr. No. Acts Sections

1. NARCOTIC DRUGS AND

PSYCHOTROPIC SUBSTANCES, ACT-1985 22

1. NARCOTIC DRUGS AND

PSYCHOTROPIC SUBSTANCES, ACT-1985 61

Xxxxxxxxxxxxxxxxxxxxxxx

12. Contents of FIR:

To

The SHO Sahib,

P.S. Pataudi Dist.. Gurugram.

Jai Hind,

Today I, (SI) ASI Suresh Kumar, H.C.Pardeep ,CT Nitin,CT Inderjit were in patrolling duty on Ichhapuri road, then a secret informer met him and informed that at Village Dadawas bus stand, two young boys were sitting in white coloured Scorpio vehical No. HR-47 D -2363, who were having bag containing narcotic drugs, who had come to sell this, if raid was conducted immediately, than these person can empowered. Believing the information to be true, the said SI made his team aware of the same and reached at village Dodawas bus stand .There , he saw that the door of the conductor side of the Scorpio vehicle bearing no.HR-47-D-2363 was open and one boy was standing there and two boys were inside the vehical. They were caught hold of, with help of accompanying police officials. The boy sitting on the conductor seat was having a bag in his right hand, on asking by me, he told his name Sudhir son of Hoshiar Singh cast Ahir village Sham Nagar police station Kosli distt. Riwari and the boy ,who was standing outside, told his name as Deepak son of Mahipal village Riwasa police station Mahendergarh Distt. Mahendergarh and the boy sitting on the driver seat ,told his name as Vikash son of Partap Singh village Java Distt. Charkhi-Dadri . First boy Sudhir who caught hold of, on asking about the bag , he told that in the same there was drug by the name “Methadone” which I and Vikash had come to sell it to Deepak. On this, notice u/s 50 of the NDPS Act was given to Sudhir for taking search of the bag than he read the said notice and wrote in hindi that he wanted to give search of bag in the presence of a gazette officer . Of this , notice was prepared u/s 42 of the N.D.P.S.Act and information was sent to Veer Singh ,HPS Pataudi through CT Naresh -4713 and informed through telephonically also. After some time ,ACP Sahib ,staff and CT Naresh reached at the spot and made inquiry from the three boys and searched the bag. In the bag ,there was a black bag. On opening the same ,white powered drugs Methadone was found which on weighing with the bag, **was found to be 2 K.G. 082 GM and the net weight of the Methadone was 1 K.G. 858 GM.** When the license or permit regarding the said drugs substance “Methadone’ was demanded, the three accused could not produce the same. The recovered Methadone intoxicating substance was put in a pulanda and put three stamp of AS and two stamp of MN by ACP and a parcel of the Mathadon intoxicating substance was made and taken in possession by the police. As the accused Sudhir,Deepak and Vikash kept in their possession narcotics drugs Methadone without any license/permit or any prescription of the doctor, committed an offence under Section 22-61-85 of the NDPS Act . On that basis report for registering the case has been sent to the police thana through CT Nitin . inform and after registering the case and the information also be given to the Narcotics Control Board and also the special report be sent to Senior officers along with illaqa Magistrate and for further investigation , parcel be sent to research Center. Today, Bus Adda village Dadawas Pataudi

Sd- Surender Singh SI.

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

CRIMINAL MISC. M-\_\_\_\_\_\_\_ OF 2019

MEMO OF PARTIES

Navrang son of Sh. Hira Lal Verma aged about years resident of Dodha, Neem Ka Thana,Sikar (Rajasthan)

(Now confined in Distt. Jail (Bhondsi) Gurugram)

………………………….…Petitioner

**Versus**

State of Haryana ………………… …Respondent

Chandigarh:

Dated: 10.8.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

FIRST BAIL APPLICATION UNDER SECTION 439 CR.P.C. SEEKING CONCESSION OF REGULAR BAIL FOR THE PETITIONER IN F.I.R. NO.0070 DATED 2.3.2019 UNDER SECTION 22,61 OF PREVENTION OF CURREPTION ACT-198 REGISTERED AT P.S. S.V.B. KARNAL (UNIT-JIND)

**RESPECTFULLY SHOWETH**:

1. That the petitioner falsely arrayed as an accused in present case for the exterior motives best known to him only. That the above noted false and frivolous case has been got registered against the petitioner . Thus true translation copy of FIR is reproduced as under:-

To

The Inspector.

S.V.B. Jind

It is submitted that I Surjit Singh alias Sita son of Radha cast Jat village Budha-Khera Police Station –Safidon permanent resident of Distt. Jind. That on 7.3.2019 a quarrel taken place between the boys of our village and boys of village Beri-Khera. An FIR no.37 dated 7.3.2019 was registered in P.S. Pillukhera. In which case , my son Neeraj and Sahil,Sachin were arrested but Bharat s/o Sh. Chaina resident of village Budha-Khera was not arrested so far . Name of others are also included in this case and two motorcycles were also taken in possession by the police. When I met the police officer Mr. Jasbir in Police Station –Pillu-Khera then he said that 4/5 persons and one person Bharat would be released from the case and he further told that he would released motorcycle also , for which Rs. 15,000/- will have to be paid. I told my inability then he asked me to pay Rs. 10,000/- . I do not want to give money as bribery and if I will not give said money then he will not do any work. So, action be taken against police officer Jasbir. Obliged .

Sd- Surjit Ph. 94169-36134

The true translated copy of FIR is attached herewith as **Annexure P-1**.

1. That the one FIR no.37 dated 7.3.2019 registered against the complainant’s son Neeraj and other students u/s 323 ,148,149 and 506 I.P.C. when complainant’s son Neeraj already arrested than why complainant paid the alleged money to other persons to release in the case which is clear create the doubt to falsely implicate to the petitioner in this case where as, petitioner is simply head constable in the police .
2. That there is no recovery or interrogation is to be effected from the present petitioner and the trial would take a sufficient long time and no purpose shall be solved by keeping the petitioner under judicial custody as the petitioner is already in custody since 22.3.2019.
3. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.
4. That the petitioner is ready to abide by all the terms and conditions imposed upon him while granting the concession of regular bail by this Hon’ble Court.
5. That the petitioner had applied for regular bail before the Court of Ld. Additional Sessions Judge, Jind ,but ,however, the Ld. Add. Sessions Judge vide order dated 10.4.2019 dismissed the said bail application of the petitioner on surmises and conjectures with the only finding that the offence is of a serious nature . True copy of which is attached herewith as **AnnexiewP-2.**
6. That there is no any other criminal CASE PENDING AGAINST THE PETTIONER AND THE PETITINER IS NOT HAVING ANY CRIMINAL RECORD.
7. That no such or similar petition has earlier been filed by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or no any such case is pending in the court of Sessions or any other court.
8. It is, therefore, respectfully prayed that the petition may kindly be granted the concession of regular bail in FIR 008 dated 22.3.2019 under Sections 7/13 of Prevention of Corruption Act-1988 registered at P.S. SVB (H) –Karnal (Unit –Jind) in the interest of justice.
9. It is further prayed that the exemption from filing the certified/typed copies of annexures may kindly be granted to the petitioner in the interest of justice.

Chandigarh:

Dated: 22.4.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2019

Jasbir Singh ……………….. …Petitioner.

Versus

State of Haryana. …………… …Respondent.

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Similar case If any:- no.

**DECLARATION**

The copies, as required by rule 16 of Chapter I Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon----------- (the person upon whom the copies have been served)----------- at-----------(time) on-----------(date) in--------(place).

Chandigarh:

Dated:22.4.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**P-**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2019

Jasbir Singh ……………….…Petitioner.

Versus

State of Haryana. ………………….…Respondent.

Court fee affixed Rs.\_\_\_\_\_\_

Chandigarh:

Dated:22.4.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District : Vigilance Bureau P.S. SVB Karnal Year: 2019

FIR No.:008 Dated: 22.3.2019

2.Sr. No. Acts Sections

7/13 Prevention of Corruption Act-1988

Xxxxxxxxxxxxxxxxxxxxxxx

1. . Contents of FIR:

To

The Inspector.

S.V.B. Jind

It is submitted that I Surjit Singh alias Sita son of Radha cast Jat village Budha-Khera Police Station –Safidon permanent resident of Distt. Jind. That on 7.3.2019 a quarrel taken place between the boys of our village and boys of village Beri-Khera. An FIR no.37 dated 7.3.2019 was registered in P.S. Pillukhera. In which case , my son Neeraj and Sahil,Sachin were arrested but Bharat s/o Sh. Chaina resident of village Budha-Khera was not arrested so far . Name of others are also include in this case and two motorcycle were also taken in possession by the police. When I met the police officer Mr. Jasbir in Police Station –Pillu-Khera then he said me that 4/5 persons and one person Bharat would be released from the case and he further told that he would released motorcycle also , for which , Rs. 15,000/- will have to be paid. I told my inability then he asked me to pay Rs. 10,000/- . I do not want to give money as bribery and if I will not give said money then he will not do any work. So, action be taken against police officer Jasbir. Obliged .

Sd- Surjit Ph. 94169-36134

**FIRST INFORMATION REPORT**

( UNDER SECTION 154 CR.P.C.)

1. **District : Jind P.S. Jind City Year: 2017**

FIR No.: 210 Dated: 3/3/2017

1. **Sr. No. Acts Sections**

1 IPC 1860 323

2 IPC 1860 452

3. IPC 1860 506

MEDICARE SERVICE PERSONS 3

AND MEDICARE SERVICE INSTITUTION

(PREVENTION AND DAMAGE OF PROPERTY ACT-2008)

1. **Occurrence of offence:**
2. Day : Friday Date from: 3/3/2017 Date To 3/3/2017

Time Period Time From 17:30 Time to

Pahar 6 hrs 17.30

1. Information received at P.S. Date: Time:

3/3/2017 22.45

1. General Dairy Reference: Entry No. Time

41 22.45 hrs

1. **Time of Information:** Written
2. **Place of Occurrence:**
3. Direction and Distance from P.S. : EAST BEAT No.

3 K.m Urban Estate,HBC,

Bus Stand

1. Address: ASHTHA CHILD HOSPITAL, GOHANA ROAD , JIND
2. In case, outside the limit of this Police Station ,Then Name of P.S.

District (State)

1. **Complainant/informant :**
2. Name: Dr. SONAL SINGAL
3. Father, s Name : SATISH KUMAR MITTAL
4. Date/Year of Birth d) Nationality: INDIA
5. UID No.:
6. F) Passport No.

Date of Issue : Place of Issue:

1. Occupation:
2. Address:

Sr. No. Address Type Address

1. Present Address ASHTHA CHILD HOSPITAL GOHANA, ASHTH CHILD HOSPITAL GOHANA ROAD JIND. HARYANA.
2. Permanent Address: ASHTHA CHILD HOSPITAL GOHANA ROAD JIND. HARYANA.
3. Phone No,: Mobile : 999 2029 988
4. **Details of known/suspected/ unknown accused with full particulars:**

Sr. No. Name Alias Relative’s Name

1 POONAM Husband: ASHOK AHLAWAT

2 ASHOK KUMAR

AHLAWAT

1. **Reasons for delay in reporting by the complainant/informant :**
2. **Particulars of properties stolen (In Rs.)**

Sr. No. Property Type Value :( In Rs.--)

1. **Total Value of Property stolen ( In Rs.--)**
2. **Inquest Report /UD Case No. if any :**

S.No. U.D. Number

**12. First Information contents:**

To

The In charge,

Police Post, Civil Line,Jind.

Subject:- Complaint for entering in my Child Hospital destroying ,criminal intimidation , threatening and manhandling others ladies and others employees .

Sir

It is submitted that today on 3.3.2019 about at 5.30 p.m. I was talking to the attendant of patient out-side of my hospital .Than Smt. Poonam wife of Ashok Ahlawat resident of Urban –Estate Jind and Ashok Kumat Ahlawat resident of Urban-Estate –Jind suddenly attacked me and manhandled me ,abused me and intimidation to death .I enter in my hospital saving myself ,they forcibly entered in my hospital and broken the glasses and manhandled the employees of my hospital. Poonam broken the glasses with her hands .I went away from my hospital through roof. They manhandled my employees while entering in my hospital ,abused and went out of the hospital threatening to kill me .You are requested to take stern action for the offenses, threat to death ,abusing ,breaking in the hospital and manhandling my employees. **Sd-** Dr. Sonal Singhal son of Sh. Satish Singhal Astha Hospital, Gohana Road Jind. Dated 3.3.2017.

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**13. Action taken : Since the above reveals commission of offence(s) u/s as mentioned at item No.2.**

1) Registered the case and took up the investigation:

2) Directed ( Name of I.O.): ASI

No. 221 to take up the investigation or

3) Refused investigation due to or

4) Transferred to P.S. District:

On point of jurisdiction

FIR read to the /informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

**R.O.A.C.**

**14. Signature/Thumb Signature of Office**

**Impression of the in Charge of P.S.**

**Complainant** Name: Nar Singh

Rank: Inspector

No. 229-A

**15. Date and Time of Dispatch to the court:**

**IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH**

**CRM-M- no. OF 2019**

**MEMO OF PARTIES**

1. Poonam aged about 41 years Daughter of Chandi Ram w/o Sh. Ashok Kumar Ahlawat
2. Ashok Kumar Ahlawat aged about 47 years son of Sh. Ram Parshad.

both resident of house no. 3591-A, Urban Estate –Jind (Haryana)

------------------ Petitioners

**VERSUS**

1. State of Haryana
2. Dr. Sonal Singal s/o Sh. Satish Kumar Singhal

resident of Ashtha Child Hospital Gohana Road ,Jind ( Haryana)

----------------------- Respondents

Chandigarh                    (SURESH AHLAWAT)

Date:  25.8.2019                 Advocate

Counsel for the Petitioners

Petition under Section 482 Cr. P. C. for quashing the FIR No. 210 dated 3.3.2017 under Sections 323,452, 506 and Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property ) ACT-2008, P.S. City Jind ( Annexure P-1) and subsequent proceeding arising thereto on the basis of compromise entered on the parties (Annexure P-2)

With a further prayer that during the pendency of the present petition before this Hon,ble Court, further proceeding arising out of the FIR in question may kindly be stayed.

**RESPECTFULLY SHOWTH:**

1. That the petitioners are peace loving citizens of this country and are residents of State of Haryana and are thus competent to invoke the extra ordinary jurisdiction of this Hon,ble Court under Section 482 Cr. P. C. for redressal of her/his grievances.
2. That an FIR No. 210 dated 3.3.2017, under Sections 323,452, 506 and Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008, Police station City Jind ( Annexure P-1) was registered against the petitioners on the complaint of the complainant /respondent no.2 Dr. Sonal Singhal resident of Ashtha Child Hospital Gohana Road.Jind against the petitioners. The above titled FIR case is pending in the Court of Ld. C.J.M. Jind, now which is fixed for 18.9.2019 for pws . The true translated copy of FIR dated 3.3.2017 is annexed herewith as **Annexure P-1.**
3. That after registration of the said FIR the respectable persons of the locality and relatives of the parties advised to compromise with each other for the welfare of the families of the both the parties. Now both the parties have compromised this matter on their own free will and without any pressure or any temptation . They have made sweet relations with each other . No differences have remained between the parties . They have accepted the compromise for their welfare and benefit of the families .In view of the compromise ,both the parties have signed the compromise and the complainant has no objection if this FIR is quashed by the Hon’ble High Court and complainant/respondent no.2 does not want to pursue the case . In this regard, compromise deed of both the parties annexed herewith as **Annexure P-2 .**
4. That now both the parties entered into compromise and there is no dispute pending between the parties and the entire matter had already settled between the parties.
5. That now respondent no.2 do not want to pursue the matter anymore and the parties want to live peacefully in future as no useful purpose would be served by long continuing litigation between the parties. The compromise got affected between the parties is without undue influence, coercion and pressure and is the result of free consent of the parties for their better peaceful future.
6. That it is also worth mentioning here the respondent no.2 i.e. complainant of this case is also ready to make statement before this Hon,ble Court, if the Hon,ble may deem fit. The true typed copy of the PAN Card of the respondent no.2 is attached herewith as **Annexure P-3.**
7. That there is no other alternative and efficacious speedy remedy available to the petitioners except the extra ordinary jurisdiction of this hon,ble High Court under section 482 Cr.P.C.
8. That the petitioners have not filed any such or similar petition either in this hon,ble Court or in the Hon,ble Supreme Court.
9. That it is pertinent to mention here that the none of the petitioners is proclaimed offender.
10. That all the affected persons have been impleaded as party in the petition and that there is no other person left to be impleaded as party whose rights are likely to be prejudiced by quashing of FIR

It is, therefore respectfully prayed that the petition may kindly be accepted and the FIR No. 210 dated 3.3.2017, under sections 323,452, 506 And Section 3 of Medicare Service Persons and Medicare Service Institutions (prevention of violence and damage of property) ACT-2008,Police Station City Jind ( Annexure P-1) and subsequent proceeding arising thereto may kindly be quashed on the basis of compromise entered into between the parties dated ( Annexure P-2) in the interest of justice.

With a further prayer that during the pendency of the present petition before this Honble Court , further proceedings arising out of the FIR in question , may kindly be stayed.

Further prayer that filing of certified/ true typed copies of annexure , may kindly be exempted , in the interest of justice.

Note:-

That the PAN Card of the respondent no.2

is enclosed.

Chandigarh                    (SURESH AHLAWAT)

Date:25.8.2019            Advocate

Counsel for Petitioners

**MUTUAL COMPROMISE**

That case FIR No. 210 dated 3.3.2017 , under sections under Sections 323,452, 506 AND Section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008 , Police station City Jind was registered on the complaint of the complainant Dr. Sonal Sighal resident of Ashtha Child Hospital Gohana Road ,Jind against the two persons namely Ashok Kumar Ahlawat and his wife Smt. Poonam resident of house no. 3591-A Urban Estate –Jind. The above titled FIR case is pending in the Court of CJM, Jind and is fixed for 0. The respectable persons of the locality and relatives of the parties advised to compromise with each other for the welfare of families of both the parties. Now both the parties have compromised this matter on their own free will and without any pressure or any temptation. They have made sweet relations with each other. No differences have remained between the parties . They have accepted the compromise for their welfare and benefit of the families. In view of the compromise, both the parties have signed the compromise and the complainant has no objection if this FIR is quashed by the Hon,ble Court and the complainant does not want to pursue the case. The compromise has been read over to the complainant. This compromise has been written and signed by the complainant without any pressure and other relatives and respectable have also signed the same. Copy of this compromise has been retained by the parties.

**First party Second Party**

Dr. Sonal Singhal 1. Ashok Ahlawat

(Complainant)

2. Poonam w/o Sh. Ashok Ahlawat

**Affidavit**

I, Dr. Sonal Singal s/o Sh. Satish Kumar Singhal resident of Ashtha Child Hospital Gohana Road Jind , do hereby solemnly affirm and declare as under:-

1. That the deponent is resident of above mentioned address.
2. That a case FIR No. 210 dated 3.3.2017 , under sections under Sections 323,452, 506 and section 3 of Medicare Service Persons and Medicare Service Institutions (Prevention of violence and damage of property) ACT-2008) Police station City Jind was registered on the complaint of the deponent against the two persons Ashok Kumar Ahlawat and his wife Smt. Poonam resident of house no. 3591-A Urban Estate –Jind. The above titled FIR case is pending in the Court of CJM, Jind.
3. That the respectable persons of the locality and relatives of the parties advised to compromise with each other for the welfare of families of both the parties.
4. That deponent and accused person has compromised on their own free will and without any pressure or any temptation. They have made sweet relations with each other. No differences have remained between the deponent and accused persons.
5. That the deponent has accepted the compromise for the welfare and benefit of the families of both the parties
6. That in view of the compromise, the deponent and accused persons have signed the compromise and the deponent has no objection if this FIR is quashed by the Hon,ble Court and the complainant does not want to pursue the case.

DEPONENT

VERIFICATION:-

Verified that all the contents of this affidavit are true and correct to best of my knowledge and belief and nothing has been concealed therein.

DEPONENT

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- No. --------- of 2019

Poonam and Another ……………Petitioners

Versus

State of Haryana and Another ………..…Respondents

Short Affidavit of Ashok s/o Sh. Ram Parshad resident of 3591-A, Urban Estate –Jind.

I, the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the contents of the accompanying application which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

DATED . deponent

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein. Deponent

INCOME TEX DEPARTMENT GOVT. OF INDIA

SONAL SINGAL

SATISH KUMAR SINGAL

13/08/1980

Permanent Account Number Photo

BJVPS2722Q 07022007

Signature

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

CRM-M-\_\_\_\_\_\_\_\_OF 2019

Poonam and another ………………Petitioners.

Versus

State of Haryana and another …………… …Respondents.

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| 2. | Affidavit | 27.8.2019 | 7 |  |
| 2. | Annexure P-1  FIR | 3.3.2017 | 8-11 | 3.00 |
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| 6 | *F.I.R. (In Hindi)* | 3.3.2017 | 15-18 |  |

Similar case If any:- no.

**DECLARATION**

The copies, as required by rule 16 of Chapter I Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon----------- (the person upon whom the copies have been served)----------- at-----------(time) on-----------(date) in--------(place).

Chandigarh:

Dated:25.8.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

**P-**

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

**CRM No. of 2019**

IN CRM-M-36964 OF 2019

Poonam and another ………………Petitioners.

Versus

State of Haryana and another …………… …Respondents.

Application u/s 482 Cr.P.C. for placing on record the amended memo of parties and Annexure P-3 i.e compromise deed dated 11.9.2019 with respondent no.3 and 4.

**RESPECTFULLY SHOWTH:**

* 1. That above mentioned petition has been filed for quashing the FIR ,which is fixed for hearing on 7.11.2019.
  2. That on the last date of hearing i.e. on 3.9.2019 this Hon,ble Court directed the petitioners to implead the employees of the Ashtha Hospital who are also effected parties. Therefore , they are impleaded as respondent no.3 and 4 and amended memo of parties is being filed.

It is , therefore, most respectfully prayed that amended memo of parties and Annexure P-3 i.e compromise dated 11.9.2019 may kindly be taken on record in the interest of justice .

It is further prayed that the exemption from filing the certified/typed copies of annexure may kindly be granted to the petitioners in the interest of justice.

**Chandigarh: SURESH AHLAWAT**

**Dated:13.9.2019 ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

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

**CRM N0- of 2019**

CRM-M-36964 OF 2019

Poonam and another ………………Petitioners.

Versus

State of Haryana and another …………… …Respondents.

Application u/s 482 Cr.P.C. for preponing the date of above mentioned case to some early date.

**RESPECTFULLY SHOWTH:**

1. That above mentioned petition has been filed for quashing the FIR ,which is fixed for hearing on 7.11.2019.

2. That above mentioned case is filed before this Hon’ble Court for quashing of the FIR on the basis of compromise . That on the date fixed i.e 3.9.2019 this came in the knowledge of this Hon’ble Court that all the effected parties are not impleaded in the case so, the case was adjourned for a long date to do the needful,

3. That now all effected parties are impleaded in this case and the amended memo of parties is also being filled.

4. That the case is of urgent nature as the compromise has already been effected between the parties, if the case is not prepone to some early date petitioners will suffer irreparable loss.

It is , therefore, most respectfully prayed that the present application may kindly be accepted and the above stated petition may kindly be preponed to some early date in the interest of justice.

NOTE: Affidavit is attached.

PLACE: Chandigarh SURESH AHLAWAT,

ADVOCATE

DT.13.9.2019 Counsel for Petitioners

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

**CRM no. of 2019**

IN CRM-M- No. 36964 of 2019

Poonam and another ………………Petitioners.

Versus

State of Haryana and another …………… …Respondents.

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| 4. | **P-3** (Compromise deed) | 11.9.2019 | 5 | 1.00 |

Chandigarh:

Dated:13.9.2019 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

**IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH**

**CRM no. of 2019**

**IN CRM-M- No. 36964 of 2019**

**AMENDED MEMO OF PARTIES**

1. Poonam aged about 41 years Daughter of Chandi Ram w/o Sh. Ashok Kumar Ahlawat

2. Ashok Kumar Ahlawat aged about 47 years son of Sh. Ram Parshad.

both resident of house no. 3591-A, Urban Estate –Jind (Haryana)

------------------ Petitioners

**VERSUS**

**1.** State of Haryana

2. Dr. Sonal Singal s/o Sh. Satish Kumar Singhal

resident of Ashtha Child Hospital Gohana Road ,Jind ( Haryana)

3. Sunil Kumar son of Sh. Ram Kumar

Resident of Vill. Narnaund Tehsil- Hansi, Distt. Hisar

4. Pooja wife of Sh. Sukhdeep

Resident of Khanda-kheri Tehsil –Hansi, Distt. Hisar.

----------------------- Respondents

Chandigarh                    (SURESH AHLAWAT)

Date:  13.9.2019                 Advocate

Counsel for the Petitioners

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. of 2019

IN CRM-M- No. 36964 of 2019

Poonam and Another ……………Petitioners

Versus

State of Haryana and Another ………..…Respondents

Short Affidavit of Ashok Kumar Ahlawat (47years) s/o Sh. Ram Parshad resident of 3591-A, Urban Estate-Jind.

I, the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the contents of the accompanying application/petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar application/ petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

DATED .

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

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

CRM-M- No.---------0f 2020

IN CRA-S No. SB of 2020

Subhash alias Bhana

---------- Applicant/Appellant

Versus

State of Haryana ….…….Respondent

Application under Section 482 Cr.P.C. praying for stay of recovery of fine from the appellant during the pendency of the appeal.

**Respectfully Showeth:-**

1. That the Applicant/Appellant has been convicted and sentenced by the Court of Ld. Addl. Sessions Judge,Jind on 2/3.12.2019 as under:-

**Sentence:-**

1. **Name of the appellant / Convict:- Subhash alias Bhasha**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | **Offence U/ss** | **Imprisonment**  Rigorous | **Fine** | **In default of payment of fine** |
| 1 | 10of POCSO Act | 5(Five) years | RS. 5,000/- | Five months RI |
| 2. | 365IPC | 5(Five) years | Rs. 5,000/- | Five years RI |
| 3 | 342 IPC | 1(one) year | ----- | ------ |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

All the substantive sentences shall run concurrently.

1. That aggrieved against the same, the applicant/appellant is filing accompanying criminal appeal. The appellant is hopeful of their success on the grounds taken in the appeal , which may kindly be read as part of this application.
2. That the applicant-appellant is poor man and is unable to pay the amount of fine.

It is, respectfully prayed that present application may kindly be allowed and recovery of fine may kindly be ordered to be stayed from the applicant/appellant during the pendency of the appeal.

Note:- 1. That no such or similar application has earlier been filed in this Hon,ble Court or in the Hon,ble Supreme Court of India.

2. No affidavit is necessary as applicant/appellant are confined in Distt. Jail, Jind.

Chandigarh (SURESH AHLAWAT)

Dated: 24.2.2020 Advocate

Counsel for the Applicant/Appellant

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

CRA-S No. ----- SB of 2020

FIR No.214 of 15.4.2018

Under Sections 365,342 IPC and 10 of POCSOAct

Police Station Safidon (Jind)

Subhash alias Bhasha ---------- Appellant

(Now confined in Distt. Jail, Jind)

Versus

State of Haryana ….…….Respondent

**Memo of Parties**

Subhash alias Bhasha

------------- Appellant

VERSUS

State of Haryana

-------------------- Respondent

Chandigarh (SURESH AHLAWAT)

Dated: 24.2.2020 Advocate

Counsel for the Appellant

**Grounds of Appeal**

1. That the impugned judgment dated 2.12.2019 passed by the Ld. Addl. Sessions Judge , Jind, is against the facts and law.
2. That in woodcut the case of the prosecution is that on 15.4.2018 complainant Sonia w/o Anil Kumar resident of Ram Nagar came to police station and produced a complaint/application against Subhash s/o Rameshwar resident of Ram Nagar Tehsil Safidon, regarding commission of attempt to commit rape upon her minor daughter aged six years. As per complaint, she is resident of above said address. On 14.4.2018 at 3.PM accused Subhash lured her daughter/victim from the front of her house and took her in the Gher of Ramphal in the fodder room ,but suddenly Santra Devi w/o Karan Singh suspected and she gathered the neighbourers. On hearing the noise, above mentioned accused fled away from the spot. They found their daughter /victim in scared condition. She thus prayed for taking legal action against accused.
3. That there is unexplained delay in registration of FIR in this case which has been registered after one day after the alleged occurrence. The delay has been used for consultations and deliberations to concoct false version, matter regarding the alleged occurrence was also not reported to the police immediately after the alleged occurrence and the alleged eye witnesses were there , who could lodge complaint with the police immediately after the alleged occurrence but it was not done so, In view of above circumstances the entire prosecution story is doubtful and concocted only to false rope the appellant in present case
4. That there are material improvements in the testimony of victim ,who is a child witness and as has been tutored by her parents to depose against the appellant .In fact her version can not be relied upon to bring home guilt to the appellant specially when she has come up with much improved version .
5. No independent witness was joined by the police.
6. That there are material contradictions improvements and discrepancies in the testimonies of PW-1 Sonia and PW-3 Santro Devi, these two witnesses have made vital improvements in their statements. Actually PW-1 and PW-3 were not present at the alleged place of occurrence and they were later on introduced as eye witnesses of the alleged occurrence. and thus , PW-1 and PW-3 are not reliable witnesses and further there are material discrepancies and contradictions in the testimony of prosecution witnesses and such contradictions are fatal for the case of the prosecution and plank of evidence produced by the prosecution is stumbling in this case and hence appellant/accused is liable to be acquitted and no reliance can be placed upon the same.
7. That PW-1 Sonia, who is mother of the alleged victim and PW-3 Santo Devi, who is the grand mother of of the alleged victim, are interesting witnesses and their testimonies is liable to be discarded.
8. That the there is no medical evidence of the alleged occurrence and ingredients of the POSCO Act are missing.
9. That there are other lacunas and discrepancies in the evidence adduced by the prosecution and to raise any other relevant and pertinent submission as available, which shall be brought to the notice of this Hon,ble Court at the time of final hearing.
10. That appellant has committed no offence.

It is, therefore, respectfully prayed that present appeal may kindly be accepted, conviction and sentence imposed by the Ld. Trial Court vide order dated 2.12.2019/3.12.2019 upon the appellant be set aside and he be acquitted of the all charges framed against him.

**NOTE:-** 1. No such or similar appeal has earlier been filed by the appellant either in this Hon,ble Court or in the Hon,ble Supreme Court of India.

2. No affidavit is necessary as appellants are confined in District Jail, Jind.

Chandigarh (SURESH AHLAWAT)

Dated: 24.2.2019 Advocate

Counsel for the Appellant

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

CRA-S - SB- 2020

Subhash alias Bhasha ---------- Appellant

(Now confined in Distt. Jail, Jind)

Versus

State of Haryana ….…….Respondent

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Similar case If any:- No.

Chandigarh (SURESH AHLAWAT)

Dated: 24.2.2020 Advocate

Counsel for the Appellant

Opening Sheet for Criminal Appeal

**IN THE HIGH COURT OF STATES OF PUNJAB AND HARYANA**

**JUDICIAL DEPARTMENT**

**CRIMINAL APPEAL –S NO. - SB- OF 2020**

**Divisional Register No.---------------**

|  |  |  |  |
| --- | --- | --- | --- |
| **District** | **Date of Filing appeal** | **Whether filed by appellant in person or by Counsel or Agent** | **Stamp on Petition of appeal** |
| **Jind** | **.2.2020** | **Through**  **Suresh Ahlawat**  **Advocate** | **----Nil----** |

**Subhash alias Bhasha ……Appellant**

**Versus**

**State of Haryana ….…….Respondent**

**Appeal**  from the order of Ld. Addl. Sessions Judge, Jind dated 2/3.12.2019 convicting and sentencing the appellants.

**Charge** under Section 365 and 342of IPC-1860 and 10 of POCSO Act.-2012

**Sentence:-**

**Name of the appellant / Convict:- Subhash alias Bhasha**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | **Offence U/ss** | **Imprisonment**  Rigorous | **Fine** | **In default of payment of fine** |
| 1 | 10of POCSO Act | 5(Five) years | RS. 5,000/- | Five months RI |
| 2. | 365IPC | 5(Five) years | Rs. 5,000/- | Five years RI |
| 3 | 342 IPC | 1(one) year | ----- | ------ |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

All the substantive sentences shall run concurrently.

IN THE HON’BLE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRA-S - SB- 2020

Subhash alias Bhasha ---------- Appellant

(Now confined in Distt. Jail, Jind)

Versus

State of Haryana ….…….Respondent

Application under section 5 of Limitation Act r/w S.482 Cr.P.C. for condoning the delay of \_\_\_ days in filing the present criminal appeal.

RESPECTFULLY SHOWETH:

1- That the appellant is filing accompanying appeal and is sanguine of acceptance of the same on the grounds mentioned therein. The grounds of criminal appeal be read as part of this application also.

2. That the appellant is in judicial custody and has no money to engage the counsel and hence requested his relatives to arrange finance for engaging counsel. After arranging the funds, the counsel was engaged at Chandigarh for filing the present appeal. In this process a delay of \_\_ days occurred.

3. That the delay referred above in filing the this appeal is neither intentional nor willful, rather due to aforesaid reason only.

It is, therefore, respectfully prayed that the delay of \_\_ days in filing the criminal appeal may kindly be condoned, in the interest of justice.

Note: Affidavit is not required as the appellant is in judicial custody.

CHANDIGARH

DATE:24.2.2020 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE APPELLANT

FIRST BAIL APPLICATION UNDER SECTION 439 CR.P.C. SEEKING CONCESSION OF REGULAR BAIL FOR THE PETITIONER IN F.I.R. NO. 438 DATED 2.12.2019 UNDER SECTION 21 of NDPS Act-1985 REGISTERED AT Police Station Sector-56.Gurugram.

**RESPECTFULLY SHOWETH**:

1.That the petitioner falsely arrayed as an accused in present case for the exterior motives best known to him only. That the above noted false and frivolous case has been got registered against the petitioner . Thus true translation copy of FIR is reproduced as under:-

To, SHO, Sahib P.S. Sector-56 Gurugram Jaihind .Today on dated 1.12.2019 that I, A.S.I. Mahender no.465, along with other police officials H.C. Kamal no.612 and H.C. Mukesh no.959 and C. jai Parkash no.4732 and C. Parveen no.4701 came in private vehicle in relation to special patrolling duty (crime) and were present on Sun-City Golf Course Road and information was given by the secret informer to me that Khurshid @ Rahi does the work of selling the Smack and that person, after some time, will come on Ghata Chock Sector-56, for the purposes of selling the smack and if raid be conducted there immediately, then he can be caught along with smack that secret information of the informer, by presuming to be true, and information be given to the others police officials and raiding party was prepared and asked to those persons who come to the join raiding party but everyone went away from there, expressing their compulsion and due to short time, no notice could be given to this and in this regard ,from my phone no. 9466627102 ACP Mr. Aman Yadav HPS about this and was told about reaching Ghata Chowk Sector-56.

And I, along with fallow employees and informer, walked by the private car from Sun-City to GhataChowk, reached the pillar under the metro line, which the informer said about stopping the car and the person sitting inside told this is Khursid @ Rahi who is the agent of selling smack. Then I freed the informer immediately and with the help of fellow staff, the pillar below the Metro line I caught the person sitting on scooty near me. The person who was caught by me asked his name Khursid @ Rahi sonof Gulab Ahmad Shah resident of Village Nazram-Pathri police station, Pulwama, Jammu and Kashmir, at present tenant of village Badshahpur (Gurugram) was found to be handicapped with both legs, I told the person holding that you have information about the substance, do you want to get your search done by me or get a gazette officer/magistrate who said orally that I want to get my search done by higher officials. Which I prepared a notice separately under section 50 of NDPS, Act, which Khurshid @ Rahi above wrote on the notice that I want to conduct my search by the Gazetted Officer/Magistrate. At the same time, ACP Shahab Mr. AmanYadav HPS, reached the spot, whom I told about the site of incident and prepared a notice under section 42 of NDPS Act, which ACP Sir received the notice and instructed me that in from of me Khurshid @ Rahi got a plastic foil from the left pocket of paint worn above which was opened in front of ACP Saheb, in which the same was found in the intoxicating substance smack, when asked, the above also said that the substance found from the plastic foil from him was the same, which I weighed with the computer weight machine, then the total weight of the substance with plastic foil **80 gm.** Which I put in a plastic box and on that plastic I stamped with MSM and ACP Sahab also put a stamp SK and ACP Sahab kept his seal with him and after getting a separate list of the received the list was captured by the police and the accused and their signatures were signed by the accused and witnesses and after used of the stamped MSM handover to HC Mukesh and the ACP sir has just left me for other government work by giving me necessary guidelines about prosecution the person who has been arrested, has kept the same drugs in his possession illegally with him having kept the crime under section 21,61,85 of NDPS ACT. Therefore, I have sent a report to the police station by Constable Jai Parkash to resister the crime.

And in this case for further investigation other I.O. was sent on the spot and a special report regarding this case was sent to higher authority and Area Magistrate that at that time, I am present on the occurrence spot along with staff and above recovered narcotics substance and accused Khurshid @ Rahi. Occurrence place Ghata chock Sector-56 Gurugram Sd/- Mehender ASI. Date 2.12.2019.

The true translated copy of FIR is attached herewith as **Annexure P-1**.

2. That the Police has submitted the challan in the present case on 6.2.2020 and now there is no recovery or interrogation is to be effected from the present petitioner and the trial would take a sufficient long time and no purpose shall be solved by keeping the petitioner under judicial custody as the petitioner is already in custody since 2.12.2019 i.e from the date of registration of FIR.

3. That at the time of alleged arrest of the accused and during the investigation sections of the NDPS not properly compliance with.

4. That reports of FSL not corroborative the alleged recovery from the accused person.

5. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.

6. That the petitioner is suffered 75 % permanent disability and is unable to walk and he is suffering from viral deceases, which is admitted in the said FIR further 70% permanent disabled person from both legs cannot committed such type of crime.In this way he was falsely implicated in the said case.

7. That the alleged recovery of 80 gms, of smack is not come in commercial quantity it is very small quantity.

8. That the petitioner is ready to abide by all the terms and conditions imposed upon him while granting the concession of regular bail by this Hon’ble Court.

9. That the petitioner had applied for regular bail before the Court of Ld. Additional Sessions Judge, Gurugram ,but ,however, the Ld. Add. Sessions Judge vide order dated 13.2..2019 dismissed the said bail application of the petitioner on surmises and conjectures with the only finding that the offence is of a serious nature . A certified copy of which is attached herewith as **AnnexiewP-2.**

10. That there is no any other criminal CASE PENDING AGAINST THE PETTIONER AND THE PETITINER IS NOT HAVING ANY CRIMINAL RECORD.

11. That no such or similar petition has earlier been filed by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or no any such case is pending in the court of Sessions or any other court.

It is, therefore, respectfully prayed that the petition may kindly be granted the concession of regular bail in IN F.I.R. NO. 438 Dated 2.12.2019 under Section 21 of NDPS Act-1985 registered at Police Station Sector-56.Gurugram.

It is further prayed that the exemption from filing the certified/typed copies of annexures may kindly be granted to the petitioner in the interest of justice.

Chandigarh:

Dated: 1.3.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2020

Khurshid@Rahi ……………….. …Petitioner.

Versus

State of Haryana. …………… …Respondent.

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Similar case If any:- no.

Chandigarh:

Dated: 1.3.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**P-**

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

CRM-M-\_\_\_\_\_\_\_\_OF 2020

Khurshid@Rahi ……………….. …Petitioner

Versus

State of Haryana. ………………….…Respondent.

Court fee affixed Rs.\_\_\_\_\_\_

Chandigarh:

Dated: 1.3.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRIMINAL MISC. M-\_\_\_\_\_\_\_ OF 2020

FIR No.438 Dated 2.12.2019

U/S 21 of NDPS Act

Police Station, Sector-56,Gurugram.

MEMO OF PARTIES

Khurshid@Rahi aged about 40 years son of Sh. Gulab Ahmad resident of Najram Pathri, Police Station Pulwama, Jammu & Kashmir, presently at Badshapur ,Gurugram.

(Now confined in Distt. Jail (Bhondsi) Gurugram)

…………….…Petitioner

**Versus**

State of Haryana …………… …Respondent

Chandigarh:

Dated: 1.3.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

FIRST INFORMATION REPORT

( Under Section 154 Cr.P.C.)

1.District: Gurugram P.S. Sector-54 Gurugram

FIR No. 438 Dated 2.12.2019

2.Under Section:- 21 of NDPS Act,1985

XXXXX

12.Contents of FIR :

To, SHO, Sahib P.S. Sector-56 Gurugram Jaihind .Today on dated 1.12.2019 that I, A.S.I. Mahender no.465, along with other police officials H.C. Kamal no.612 and H.C. Mukesh no.959 and C. jai Parkash no.4732 and C. Parveen no.4701 came in private vehicle in relation to special patrolling duty (crime) and were present on Sun-City Golf Course Road and information was given by the secret informer to me that Khurshid @ Rahi does the work of selling the Smack and that person, after some time, will come on Ghata Chock Sector-56, for the purposes of selling the smack and if raid be conducted there immediately, then he can be caught along with smack that secret information of the informer, by presuming to be true, and information be given to the others police officials and raiding party was prepared and asked to those persons who come to the join raiding party but everyone went away from there, expressing their compulsion and due to short time, no notice could be given to this and in this regard ,from my phone no. 9466627102 ACP Mr. Aman Yadav HPS about this and was told about reaching Ghata Chowk Sector-56.

And I, along with fallow employees and informer, walked by the private car from Suncity to GhataChowk, reached the pillar under the metro line, which the informer said about stopping the car and the person sitting inside told this is Khursid @ Rahi who is the agent of selling smack. Then I freed the informer immediately and with the help of fellow staff, the pillar below the Metro line I caught the person sitting on scooty near me. The person who was caught by me asked his name Khursid @ Rahi sonof Gulab Ahmad Shah resident of Village Nazram-Pathri police station, Pulwama, Jammu and Kashmir, at present tenant of village Badshahpur (Gurugram) was found to be handicapped with both legs, I told the person holding that you have information about the substance, do you want to get your search done by me or get a gazette officer/magistrate who said orally that I want to get my search done by higher officials. Which I prepared a notice separately under section 50 of NDPS, Act, which Khurshid @ Rahi above wrote on the notice that I want to conduct my search by the Gazetted Officer/Magistrate. At the same time, ACP Shahab Mr. AmanYadav HPS, reached the spot, whom I told about the site of incident and prepared a notice under section 42 of NDPS Act, which ACP Sir received the notice and instructed me that in from of me Khurshid @ Rahi got a plastic foil from the left pocket of paint worn above which was opened in front of ACP Saheb, in which the same was found in the intoxicating substance smack, when asked, the above also said that the substance found from the plastic foil from him was the same, which I weighed with the computer weight machine, then the total weight of the substance with plastic foil **80 gm.** Which I put in a plastic box and on that plastic I stamped with MSM and ACP Sahab also put a stamp SK and ACP Sahab kept his seal with him and after getting a separate list of the received the list was captured by the police and the accused and their signatures were signed by the accused and witnesses and after used of the stamped MSM handover to HC Mukesh and the ACP sir has just left me for other government work by giving me necessary guidelines about prosecution the person who has been arrested, has kept the same drugs in his possession illegally with him having kept the crime under section 21,61,85 of NDPS ACT. Therefore, I have sent a report to the police station by Constable Jai Parkash to resister the crime.

And in this case for further investigation other I.O. was sent on the spot and a special report regarding this case was sent to higher authority and Area Magistrate that at that time, I am present on the occurrence spot along with staff and above recovered narcotics substance and accused Khurshid @ Rahi. Occurrence place Ghata chock Sector-56 Gurugram Sd/- Mehender ASI. Date 2.12.2019.

True Extract Translation

Advocate

**ection 4.   Punishment for penetrative sexual assault.**[Previous](https://indiacode.nic.in/show-data?actid=AC_CEN_13_14_00005_201232_1517807323686&orderno=3)[Next](https://indiacode.nic.in/show-data?actid=AC_CEN_13_14_00005_201232_1517807323686&orderno=5)

1[(1)] Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than 2[ten years] but which may extend to imprisonment for life, and shall also be liable to fine.

3[(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.]

1. Section 4 renumbered as section 4(1) thereof by s. 3, ibid (w.e.f. 16-08-2019).

2. Subs. by s. 3, *ibid*., for "seven years" (w.e.f. 16-08-2019).

3. Ins. by s. 3, *ibid*. (w.e.f. 16-08-2019).

[Previous](https://indiacode.nic.in/show-data?actid=AC_CEN_13_14_00005_201232_1517807323686&orderno=3)    [Next](https://indiacode.nic.in/show-data?actid=AC_CEN_13_14_00005_201232_1517807323686&orderno=5)

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Rani ----------Petitioner Versus

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | fee |
| A. | Urgent Form | 27.05.2020 | A |  |
| 1. | Memo of Parties | 25.05.2020 | 1 |  |
| 2. | Petition u/s 439 of Cr.P.C. | 25.05.2020 | 2-4 |  |
| 3. | Annexure P-1 true translated copy of the FIR | 07.09.2018 | 5 |  |
| 4. | Annexure-P2 Copy of impugned order passed by Ld. ASJ, Gurugram | 15.05.2020 | 6-9 |  |
| 5. | Power of Attorney | 02.02.2020 | 16 |  |
|  | **Vernaculars** |  |  |  |
| 6. | FIR | 08.07.2019 | 17-20 |  |

State of Haryana -----------Respondent

**INDEX**

Total Court Fee/

**Undertakings** 1. No such and similar case has been filed earlier.

2. The copy of the petition supply to the State of Haryana through email.

3. The true copy of attested Vakalatnama will supply after opening of the Hon’ble High Court. The scan copy of the same attach with the petition.

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

1stPetition under section 439 of Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 379 Dated 07.09.2018 under section120-B of IPC and 4 of POCSO Act, 2012 registered at Police Station Badshahpur, Gurugram.

**Respectfully Showeth:--**

1. That on the basis of the complaint made by Shaheen wife of Intihaz resident of 36-Block G-3, Kashi Ram Colony Mathura, Police Station Refinery, Mathura has registered the Zero FIR No. 44 dated 27.01.2018 under section 376,120-B of IPC and u/s 3, 4 POCSO Act, 2012. The present FIR No. 379 dated 07.09.2018 under section 120-B of IPC and under Section 4 of POSCO Act, 2012 was registered as a letter No. 1271/2018 dated 25.05.2018 along with Zero FIR No.44 dated 27.01.2018 under section 376,120-B of IPC and u/s 3, 4 POCSO Act, 2012, P.S. Refinery, Mathura was received to Gurugram Police from the office of Superintendent of Police, Mathura. The true translated copy of the FIR No. 379 dated 07.09.2018 is annexed herewith as ***Annexure P-1***.

2.That the petitioner is filling present petition under section 439 of Cr.P.C. against the impugned order dated 15.05.2020 passed by the Ld. Addl. Sessions Judge, Gurugram, vide which the bail application of the petitioner was dismissed on surmises and conjectures with the only finding that the offence is of a serious nature The true copy of the order dated 15.05.2020 is annexed herewith as ***Annexure P-2***.

1. That the Ld. Trial Court has not consider that petitioner has been falsely implicated in above said case with ulterior motive. The Ld. Addl. Sessions Judge, has eared in not considering that the mother of the girl child is a habitual complainant and she has been in practice to use her daughter as a weapon to abstract easy money from the innocent persons.
2. That the Ld. Trial court has not consider that FIR No. 549 of 2018 under Section7/8 of POSCO Act, 2012 and 323, 504, 506, 354B, 452 of IPC, Police Station Mainpuri (U.P) has been got registered by the present complainant against some other innocent persons.
3. That the Ld. Trial court has not consider that nothing was recovered from the petitioner and the petitioner has been falsely implicated by the complainant under the influence of the police. That the present petitioner has been arrested on 16.09.2019 and undergone more than 8 months. Police investigation is completed and this case is fixed for evidence but is not likely to be concluded due to Covid -19 That the conclusion of the trial shall take considerable long time and no useful purpose would be served by keeping the petitioner in further custody.
4. That there was no criminal back ground of the petitioner. It is urged that the names of the alleged customers, to whom the girl child was allegedly supplied by the petitioner, have not been revealed during the investigation and further no any accused person are arrested so far and Challan has been submitted before the court, than provision of 120 –B of IPC can not attracted to the petitioner. So the provisions of POSCO Act, 2012 are not attracted against the petitioner.

7. That the petitioner is ready to abide by all the terms and conditions imposed upon her while granting the concession of regular bail by this Hon’ble Court.

8. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.

9. That there is no any other criminal case pending against the petitioner and the petitioner is not having any criminal record.

10. That no such or similar petition has been filed or pending by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or any other court of law in India. It is, therefore, respectfully prayed that the present petition may kindly be allowed and the petitioner may kindly be grant regular bail during the pendency of trial in case FIR No. 379 dated 07.09.2018 under Section 120-B of IPC and under Section 4 of POSCO Act, 2012 registered at Police Station Badshahpur, Distt. Gurugram.

It is further prayed that exemption may kindly be grant to file certified and typed copy of Annexure P-1 and P-2 and permission to file the scan copy of Vakalatnama attested from the Superintendent of Gurugram jail in the interest of justice.

**Note**: - Affidavit is not required as the petitioner is in judicial custody.

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

**Memo of Parties**

Rani age 36 years wife of Gulab Singh resident of Block No.51, Kanshi Ram Colony, Mathura UP. At present resident of Village Chakkarpur Distt. Gurugram.

(Now confined in District Jail Gurugram) -------------------Petitioner

Versus

State of Haryana ---------------------Respondent

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Rani ---------Petitioner Versus

State of Haryana ------- Respondent

**Process Fee**

**======================================**

**======================================**

**Undertaking: -** As the High Court closed due to COVID-19 and the Counsel for the petitioner could not arrange the process fee and fee of Bar Council of Punjab and Haryana at this time but same will supply to the Registry after opening of the Hob’ble Court.

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

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

CRIMINAL MISC. M-\_\_\_\_\_\_\_ OF 2020

FIR No.26 Dated 22.1.2020

Under Sections: 346,363,366-A,506of IPC

And 6&17 of POCSO Act,2012

Police Station, Sector-9-A,Gurugram.

**MEMO OF PARTIES**

Smt. Rajni (aged 54 years) wife of Ajay Singh resident of 9563/1,Gaushala Baradri,Kishanganj,New Delhi, presently residing at 1887,Gali No.4, Laxman Vihar, Phase-11, Gurugram.

(Now confined in Distt. Jail Jhajjar)

…………….…Petitioner

**Versus**

State of Haryana …………… …Respondent

Chandigarh:

Dated: 8.7.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Rani ----------Petitioner

(Now confined in Distt. Jail Jhajjar)

VERSUS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | fee |
| A. | Urgent Form | 27.05.2020 | A |  |
| 1. | Memo of Parties | 25.05.2020 | 1 |  |
| 2. | Petition u/s 439 of Cr.P.C. | 25.05.2020 | 2-4 |  |
| 3. | Annexure P-1 true translated copy of the FIR | 07.09.2018 | 5 |  |
| 4. | Annexure-P2 Copy of impugned order passed by Ld. ASJ, Gurugram | 15.05.2020 | 6-9 |  |
| 5. | Power of Attorney | 02.02.2020 | 16 |  |
|  | **Vernaculars** |  |  |  |
| 6. | FIR | 08.07.2019 | 17-20 |  |

State of Haryana -----------Respondent

**INDEX**

Total Court Fee/

**Undertakings** 1. No such and similar case has been filed earlier.

2. The copy of the petition supply to the State of Haryana through email.

3. The true copy of attested Vakalatnama will supply after opening of the Hon’ble High Court. The scan copy of the same attach with the petition.

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

1stPetition under section 439 of Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 26 Dated 22.1.2020 under section 346 and 363,366-A,506 of IPC and 6&17 of POCSO Act,2012 added later on registered at Police Station Sector 9-A, Gurugram.

**Respectfully Showeth:--**

* 1. That on the basis of the complaint made by father of a girl who moved a complaint to the police on 22.1.2020 with the facts that his daughter aged about 17, 1/2 years had left the home on 21.1.2020 at around 1.30 p.m. to visit her friend but she did not return .They kept on searching for her .On the basis of the above said complaint ,FIR of this case was registered u/s 346 IPC .During investigation, the complainant suffered a supplementary statement raising suspicion on Rajni and her son Kunal@ Golu along with their relative Surya Partap@ Sunny . The statement of girl child u/s 164 Cr.P.C. was not recorded . Petitioner Rajani was arrested on 25.1.2020. The true translated extract copy of the FIR No. 26 dated 22.1.2020 is annexed herewith as ***Annexure P-1***.

2. That the petitioner is filling present petition under section 439 of Cr.P.C. against the impugned order dated 15.5.2020 passed by the Ld. Addl. Sessions Judge, Gurugram, vide which the bail application of the petitioner was dismissed on surmises and conjectures with the only finding that the offence is of a serious nature The true copy of the order dated 15.05.2020 is annexed herewith as ***Annexure P-2***.

* 1. That the Ld. Trial Court has not consider that petitioner has been falsely implicated in above said case with ulterior motive. The Ld. Addl. Sessions Judge, has eared in not considering the factual role of the petitioner only allegation against the petitioner is that she had assisted her co-accused Kunal ,her son ,in keeping /transiting /shifting the girl child at a secret palaces.
  2. That petitioner has three young daughters to be looked after and there is none else except for her to look after them.
  3. That the Ld. Trial court has not consider that nothing was recovered from the petitioner and the petitioner has been falsely implicated by the complainant under the influence of the police. 6. That the present petitioner has been arrested on 25.1.2020 and undergone more than 6 months. Police investigation is completed and **this case is fixed for charge on 23.7.2020** but is not likely to be concluded due to Covid -19. That the conclusion of the trial shall take considerable long time and no useful purpose would be served by keeping the petitioner in further custody.

7. That the petitioner is ready to abide by all the terms and conditions imposed upon her while granting the concession of regular bail by this Hon’ble Court.

8. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.

9. That there is no any other criminal case pending against the petitioner and the petitioner is not having any criminal record.

10. That no such or similar petition has been filed or pending by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or any other court of law in India. It is, therefore, respectfully prayed that the present petition may kindly be allowed and the petitioner may kindly be grant regular bail during the pendency of trial in case FIR No. 26 dated 22.1.2020 under Section 346,363,366-A ,506 of IPC and 6 & 17 of POCSO Act,2012 registered at Police Station Sector-9-A Gurugram.

It is further prayed that exemption may kindly be grant to file certified and typed copy of Annexure P-1 and P-2 and permission to file the scan copy of Vakalatnama attested from the Superintendent of Jhajjar jail in the interest of justice.

**Note**: - Affidavit is not required as the petitioner is in judicial custody.

Chandigarh (Suresh Ahlawat)

Dated: 8.7.2020 Counsels for the Petitioner

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Smt. Rajni ------------- Petitioner

(Now confined in Distt. Jail Jhajjar)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | fee |
| A. | Urgent Form | 8.7.2020 | A |  |
| 1. | Memo of Parties | 8.7.2020 | 1 |  |
| 2. | Petition u/s 439 of Cr.P.C. | 8.7.2020 | 2-5 |  |
| 3. | Annexure P-1 true translated copy of the FIR | 22.1.2020 | 6 |  |
| 4. | Annexure-P2 Copy of impugned order passed by Ld. ASJ, Gurugram | 15.5.2020 | 7-9 |  |
| 5. | Power of Attorney | 27.6.2020 | 10 |  |
|  | **Vernaculars** |  |  |  |
| 6. | FIR | 22.1.2020 | 11-14 |  |

State of Haryana -----------Respondent

**INDEX**

Total Court Fee/

**Undertakings** 1. No such and similar case has been filed earlier.

2. The copy of the petition supply to the State of Haryana through email.

3. The true copy of attested Vakalatnama will supply after opening of the Hon’ble High Court. The scan copy of the same attach with the petition.

Chandigarh (SURESH AHLAWAT)

Dated: 8.07.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District : Gurugram P.S. Sector-9-A Year: 2020

FIR No.:0026 Dated: 22.1.2020

2. Sr. No. Acts Sections

1 IPC 1860 346

Xxxxxxxxxxxxxxxxxxxxxxx

12. Contents of FIR:

To

The Chocki Incharge,

Sector-4 Gurugram.

It is submitted that I Netar Pal Singh son of Sh. Gir Raj Singh police station sadar Palwal presently residing as tenant HUDA Staff Quarter no.1 near M.M. Public school sector-4. My girl Indu had left the home on 21.1.2020 at around 1:30 p.m. to visit her friend Harsh Parbha resident of Sari Ram Colony sector-4 but she did not return. We kept on searching for her but could not be trace out. Her colour is dusky, long face, slim and active body and black mole is on neck, hight 5’3”aged 17-1/2 years she is wearing blue jins, sky blue jarsi and ladies chapal in feet .We have come to you ,my daughter may be trace out and action be taken.

Sd- Dated 22.1.2020 Netar Pal Singh

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Smt. Rajni ------------- Petitioner

(Now confined in Distt. Jail Jhajjar)

**VERSUS**

State of Haryana -------------- Respondent

Court Fee

Chandigarh (SURESH AHLAWAT)

Dated: 8.07.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994

1stPetition under section 439 of Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 62 Dated 9.2.2016 under section 307,34,120-B of I.P.C.,1860 and Section 25 of Arms Act,1959 registered at Police Station -Rajendra Park, Gurugram.

**Respectfully Showeth:--**

1. That allegations of the prosecution are that on the intervening night of 8/9.2.206 at about 10/10.30 p.m. complainant Sajjan ,Jitnder ,Harvinder @ Sonu and Punit were sitting out-side their residence . After some time one swift car, white in colour ,came there and one young boy alighted from the car ,who was carrying pistols in both the hands and started firing upon them in which Punit received one gun-shot injury at the back side of his head . On this present FIR has been registered . Petitioner Kunal @Golu was arrested on 26.2.2018. The true translated extract copy of the FIR No. 62 dated 9.2.2016 is annexed herewith as ***Annexure P-1***.

2. That the petitioner is filling present petition under section 439 of Cr.P.C. against the impugned order dated 8.7.2020 passed by the Ld. Addl. Sessions Judge, Gurugram, vide which the bail application of the petitioner was dismissed on surmises and conjectures with the only finding that the offence is of a serious nature. The true copy of the order dated 8.7.2020 is annexed herewith as ***Annexure P-2***.

3. That the Ld. Trial Court has not consider that petitioner has been falsely implicated in above said case with ulterior motive. The Ld. Addl. Sessions Judge, has erred in not considering the factual role of the petitioner. No injury has been caused by the applicant and nothing overt act has been done by him in the entire incident . Nothing is recovered from the applicant in the present case and alleged recovery will be a moot point at the time of trial .

4. That the Ld. Trial court has not consider that nothing was recovered from the petitioner and the petitioner has been falsely implicated by the complainant under the influence of the police. 5. That the present **petitioner has been arrested on 26.2.2018** and undergone more than **TWO YEARS FIVE MONTHS** . Police investigation is completed and **this case is fixed for evidence on 27.8.2020** but is not likely to be concluded due to out break Covid -19 and there is GREY AREA which the trial will ultimately understand and on 13.2.2020 before the Ld. Trial court none of the eye witness were present despite their personal two /three times services further complainant has already been examined . That the conclusion of the trial shall take considerable long time and no useful purpose would be served by keeping the petitioner in further custody.

6. That the petitioner is ready to abide by all the terms and conditions imposed upon her while granting the concession of regular bail by this Hon’ble Court.

7. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.

8. That there is no any other criminal case pending against the petitioner and the petitioner is not having any criminal record **except** FIR No.87 Dated 4.7.2017 registered under Section 302/201/365/34 IPC At P.S. Sector-9-A Gurugram in which petitioner already on regular bail vide order dated 18.6.2020 in CRM-M- 40310 of 2019 passed by this Hon’ble Court which is attached herewith for kind consideration as **Annexur-P-3.**

9. That no such or similar petition has been filed or pending by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or any other court of law in India

It is, therefore, respectfully prayed that the present petition may kindly be allowed and the petitioner may kindly be grant regular bail during the pendency of trial in case FIR No. 62 dated 9.2.2016 under Section 307,34,120-B of I.P.C. ,1860 and Section 25 of Arms Act,1959 registered at Police Station Rajendra Park–Gurugram.

It is further prayed that exemption may kindly be grant to file certified and typed copy of the Annexures and permission to file the scan copy of Vakalatnama attested from the Superintendent of Bhondsi -Gurugram jail in the interest of justice.

**Note**: - Affidavit is not required as the petitioner is in judicial custody.

Chandigarh (Suresh Ahlawat)

Dated: 16.7.2020 Counsels for the Petitioner

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Kunal @ Golu ----------- Petitioner

(Now confined in Distt. Jail Bhondsi -Gurugram)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | fee |
| 1 | Urgent Form | 16.7.2020 | A |  |
| 2 | Memo of Parties | 16.7.2020 | 1 |  |
| 3 | Petition u/s 439 of Cr.P.C. | 16.7.2020 | 2-6 |  |
| 4 | Annexure **P-1**  true translated copy of the FIR | 9.2.2016 | 7-8 |  |
| 5 | Annexure- **P-2**  Copy of impugned order passed by Ld. ASJ, Gurugram | 8.7.2020 | 9-12 |  |
| 6 | Annexure **P-3**  Order of High Court | 18.6.2020 | 13-15 |  |
|  | Power of Attorney | 15.7.2020 | 16 |  |
|  | **Vernaculars** |  |  |  |
|  | Annexure P-1 (FIR) | 9.2.2016 | 17-20 |  |

State of Haryana -----------Respondent

**INDEX**

Total Court Fee/

**Undertakings** 1. No such and similar case has been filed earlier.

2. The copy of the petition supply to the State of Haryana through email.

3. The true copy of attested Vakalatnama will supply after opening of the Hon’ble High Court. The scan copy of the same attach with the petition.

Chandigarh (SURESH AHLAWAT)

Dated: 16.07.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District :Gurugram P.S.RajendraPark, Grugram,Year:2020

FIR No.:062 Dated: 9.2.2016

2. Sr. No. Acts Sections

1 IPC 1860 307

34

120-B

2 Arms Act,1959 25

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12. Contents of FIR:

Statement of Sajjan Singh son of Sh. Bhup Singh cast Jat village Doultabad aged about 29 years mobile no, 9911300505 stated that I am resident of above stated address. On intervening night of 8/9.2.2016 at about 10/10.30 p.m. I (complainant), Jitender @ Bittu son of Sh. Ganga Dass, Harvinder @ Sonu son of Suresh, Sonu son of Ram Chander and Punit son of Jai Parkash all resident of village Doultabad were sitting and are smoking outside their residence. After some time one swift car white in colour came there from the pond side in our village and while going in front of us stopped on the left side near school and remained stopped there for 10 minutes ,a young boy alighted from the car and who was carrying pistols in both the hands ,who fired repeatedly towards us with both the hands, a boy was sitting in the car ,after firing we ran here and there to save ourself and a fire hit Punit on back side of his head then I saw that Punit was laying on the spot and having blood was oozing out. I told Jitender ,Harvinder and Sonu regarding hitting Punit with fire . Both the boys took the car in a very high speed towards school . I could not note the number of the car . I along with others boys of the village got Punit admitted in Madanta Hospital .Two boys whose names are not known repeatedly fired on us with intention to kill us. A fire hit the Punit in head. Legal action be taken against them . Today I gave the statement in Madanta Hospital which is correct.

Sd- Dated 9.2.2016 Sajjan Singh

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

CRIMINAL MISC. M-\_\_\_\_\_\_\_ OF 2020

**MEMO OF PARTIES**

Kunal @ Golu aged about 22 years son of Sh. Raj Kumar resident of House no.208/11,Gali No.6.Laxaman Vihar Gurugram .

(Now confined in Distt. Jail Bhondsi- Gurugram)

…………….…Petitioner

**Versus**

State of Haryana …………… …Respondent

Chandigarh:

Dated: 16.7.2020 (**SURESH AHLAWAT**)

**ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Rani Petitioner Versus

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.No | Particulars | Dated | Pages | fee |
| A. | Urgent Form | 29.07.2020 | A |  |
| 1. | Memo of Parties | 29.07.2020 | 1 |  |
| 2. | Petition u/s 439 of Cr.P.C. | 29.057.2020 | 2-4 |  |
| 3. | Annexure P-1 true translated copy of the FIR | 07.09.2018 | 5 |  |
| 4. | Annexure-P2 Copy of impugned order passed by Ld. ASJ, Sonipat | 03.02.2020 | 6-9 |  |
| 5. | Power of Attorney | 02.02.2020 | 16 |  |
|  | Vernaculars |  |  |  |
| 6. | FIR | 08.07.2019 | 17-20 |  |

State of Haryana Respondent

**INDEX**

Total C

Undertakings 1. No such and similar case has been filed earlier.

2. The copy of the petition supply to the State of Haryana through email.

3. The true copy of attested Vakalatnama will supply after opening of the Hon’ble High Court. The scan copy of the same attach with the petition.

Chandigarh (SURESH AHLAWAT)

Dated: 29.07.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994)

2nd Petition under section 439 of Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 379dated 07.09.2018 under section120-B of IPC and 4 of POCSO Act, 2012 registered at Police Station Badshahpur, Gurugram.

**Respectfully Showeth:--**

1. That on the basis of the complaint made by Shaheen wife of Intihaz resident of 36-Block G-3, KashiRam Colony Mathura, the police of Police Station Refinery, Mathura has registered the Zero FIR No. 44 dated 27.01.2018 under section 376,120-B of IPC and u/s 3, 4 POCSO Act, 2012. The present FIR No. 379 dated 07.09.2018 under section 120-B of IPC and under section 4 of POSCO Act, 2012 was registered as a letter No. 1271/2018 dated 25.05.2018 alongwith Zero FIR No.44 dated 27.01.2018 under section 376,120-B of IPC and u/s 3, 4 POCSO Act, 2012, PS Refinery, Mathura was received to Gurugram Police from the office of Superintendent of Police, Mathura. The true translated copy of the FIR No. 379 dated 07.09.2018 is annexed herewith as ***Annexure P-1***.

2.That the petitioner is filling present petition under section 439 of Cr.P.C. against the impugned order dated 15.05.2020 passed by the Ld. Addl. Sessions Judge, Gurugram, vide which the bail application of the petitioner was dismissed.The true copy of the order dated 15.05.2020 is annexed herewith as ***Annexure P-2***.

1. That the Ld. Trial Court has not consider that petitioner has been falsely implicated in above said case with ulterior motive. The Ld. Addl. Sessions Judge, has eared in not considering that the mother of the girl child is a habitual complainant and she has been in practice to use her daughter as a weapon to abstract easy money from the innocent persons.
2. That the Ld. Trial court has not consider that FIR No. 549 of 2018 under section 8 of POSCO Act, 2012 and 323, 504, 506, 354B, 452 of IPC has been got registered by the present complainant against some other innocent persons.
3. That the Ld. Trial court has not consider that nothing was recovered from the petitioner and the petitioner has been falsely implicated by the complainant under the influence of the police. **6. That** the present petitioner has been arrested on 16.09.2019 and undergone more than 10 months.That the conclusion of the trial shall take considerable long time and no useful purpose would be served by keeping the petitioner in further custody.

and last date of hearing i.e. on 10.6.2020 in first bail application filled by the petitionerin this Hon’ble High Court in CRM-M- 13311 of 2020 Hon’ble Court diredted to the **this case is fixed for evidence on 4.8.2020** but is not likely to be concluded due to out break Covid -19 and there is GREY AREA (Gurugram) which the trial will ultimately understand .

7. That the petitioner is ready to abide by all the terms and conditions imposed upon her while granting the concession of regular bail by this Hon’ble Court.

8. That the petitioner undertakes to appear on each and every date of hearing and also whenever directed by the Hon’ble Court in the event of granting him the concession of regular bail.

9. That there is no any other criminal case pending against the petitioner and there was no criminal back ground of the petitioner. It is urged that the names of the alleged customers, to whom the girl child was allegedly supplied by the petitioner, have not been revealed during the investigation. So the provisions of POSCO Act, 2012 are not attracted against the petitioner.

10.That no such or similar petition has been filed or pending by the petitioner either in this Hon’ble Court or in the Hon’ble Supreme Court of India or any other court of law in India except CRM-M no. 13311 of 2020.

It is, therefore, respectfully prayed that the present petition may kindly be allowed and the petitioner may kindly be grant regular bail during the pendency of trial in case FIR No. 379 dated 07.09.2018 under section 120-B of IPC and under Section 4 of POSCO Act, 2012 registered at Police Station Badshahpur, Distt. Gurugram. It is further prayed that exemption may kindly be grant to file certified and typed copy of Annexures and permission to file the scan copy of Vakalatnama attested from the Superintendent of Gurugram jail in the interest of justice.

**Note**: - Affidavit is not required as the petitioner is in judicial custody.

Chandigarh (Suresh Ahlawat)

Dated: 29.07.2020 Counsels for the Petitioner

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

**Memo of Parties**

Rani age 36 years wife of Gulab Singh resident of Block No.51, Kanshi Ram Colony, Mathura UP.

(Now confined in District Jhajjar Jail) ------Pettioner

Versus

State of Haryana -------------Respondent

Chandigarh (Suresh Ahlawat)

Dated: 29.07.2020 Counsels for the Petitioner

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

CRM-M\_\_\_\_\_\_\_\_\_\_\_OF 2020

Rani Petitioner Versus

State of Haryana Respondent

**Process Fee**

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**Undertaking: -** As the High Court closed due to COVID-19 and the Counsel for the petitioner could not arrange the process fee and fee of Bar Council of Punjab and Haryana at this time but same will supply to the registered after opening of the Hob’ble Court.

Chandigarh (Suresh Ahlawat) (S.S. Nain)

Dated: 25.05.2020 Counsels for the Petitioner

(Enrolment No. P-370/1994/ P-1825/2015)

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District :Gurugram P.S.Badshahpur, Grugram,Year:2020

FIR No.:0379 Dated: 7.9.2018

2. Sr. No. Acts Sections

1 IPC 1860 120-B

2 The POCSO Act-2012 4

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12. Contents of FIR:

“To the SHO Police Station Badshahpur ,Gurugram it is requested that one letter no.1271/2018 dated 25.5.2018 received from the office of the S.P. ,Mathura to the Deputy Commissioner of police Head quarters Gurugram,which the Deputy Commisioner of Police ,South Gurugram called for take necessary action .Which is mark to the SHO Badshapur and the I (mine) L/SI of police station Badshapur recived on 6.6.2018 for necessary action, on which FIR no.44 dated 27.1.2018 is registered under section 376,120-B IPC and u/s 3 and 4 POCSO Act, at Police Station Refinery District Mathura . The contents of written application are in Hindi which is as follows:-

To

the SHO Police Station Refinery District Mathura

that the applicant Shaheen wife of Intihaz is resident of 36 Block G-3 ,Kashi Ram Colony that the daughter of the applicant ,Ranuma daughter of Intihaz was residing with my mother at Fejam school (Police Satation Sadar) since the last 20 days. At the same time ,my sister Rani took my daughter Ranuma (aged 13 years) to village Fazalpur -Gurugram from my mother .Yesterday night, my sister called me by telephonically that health of Ranuma is poor/down , asked her to take her away alongwith her , I took my daughter with me, when my daughter was in ill condition, but later on her condition was improved ,than she told that my aunt Rani used to do wrong things to me . Legal action should taken against my sister Rani and those who have done wrong to my girl. Applicant Saheen wife of Intihaz resident of 36 block G-3 kashiram Colony ,PS Refinery ,Mathura Mob. 8394995411.

It is certified to be true extract translation copy