

CRM-M-32765-2015 (O&M)

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

Decided on: January 14, 2016.

(1) CRM-M-32765-2015 (O&M).

Arvinder Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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(2) CRM-M-33965-2015 (O&M).

Gurcharan Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.S.P.S.Sidhu, Advocate,
for the petitioner in CRM-M-32765-2015.**

**Mr.Kulbhushan Raheja, Advocate,
for the petitioner in CRM-M-33965-2015**

Mr.K.S.Nalwa, Addl. A.G., Punjab.

**Mr.C.M.Munjal, Advocate,
for the applicant in CRM-32992-2015.**

M.M.S. BEDI, J (ORAL).

This order will dispose of the above noted two petitions i.e., CRM-M-32765 of 2015, filed by Arvinder Singh and another CRM-M-33965 of 2015, filed by Gurcharan Singh, for the

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grant of pre-arrest bail in FIR No.158 dated 5.8.2015, under Section 420 IPC, and Sections 8 and 9 of the Prevention of Corruption Act, registered at Police Station, City Ferozepur, District Ferozepur.

The said FIR was registered at the instance of Amarjit Singh SP (D), Ferozepur, on the basis of secret information to the effect that FIR No.155 dated 20.6.2015, Police Station, Sadar, Ferozepur, under the NDPS Act and Arms Act and fake currency was registered against Amrit Pal Singh, Gurwinder Singh, Jagdeep Kaur and Jasvir Singh. Amrit Pal Singh was arrested in the said case but Jasvir Singh was got released by Jaspal Singh @ Jimmi and Lakhwinder Singh from the police by getting him declared innocent and in lieu of that Jaspal Singh and Lakhwinder Singh borrowed Rs.15 lacs from Dilbagh Singh brother of Jasvir Singh, out of which Rs.5 lacs were kept by Lakhwinder Singh and Rs.10 lacs were kept by Jaspal Singh @ Jimmi and out of said Rs.10 lacs, Jaspal Singh @ Jimmi kept Rs.6 lacs with him and paid Rs.4 lacs to DSP Sekhon, for getting Jagdeep Kaur declared innocent in FIR No.155 dated 20.6.2015, Police Station, Sadar, Ferozepur. Jugraj Singh Ex-Sarpanch paid Rs.3 lacs to Gurcharan Singh who further said that this money would be paid to Jugraj Singh Katora.

As per the story of the prosecution in FIR No.30 dated 13.3.2015, registered against Manoj Kumar Khattar at Police Station, Ferozepur City, Jimmi Sandhu got Rs.15 lacs from Paramjit Abrol and Raju Khattar for involving Sonu Khattar brother of Manoj

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Kumar Khattar in the case. In this manner, the above said persons had received money for getting Jasdeep Kaur and Sonu Khattar, exonerated. Jaspal Singh was arrested in the present case on 22.8.2015. After his police remand for one day, he was sent to judicial custody on 22.8.2015.

The allegation against petitioner Arvinder Singh is that he is working as OSD with Kamal Sharma State President of BJP.

As per the case of the prosecution, Jaspal Singh @ Jimmi Sandhu had confessed to have received Rs.15 lacs from Paramjit Abrol and Parveen Khattar and having paid the same to Jaspal Singh @ Jimmi Sandhu. During interrogation, Jaspal Singh @ Jimmi Sandhu had disclosed that out of the said amount, he retained a sum of Rs.5 lacs and further paid remaining Rs.10 lacs to the petitioner. Out of Rs.5 lacs, Rs.3 lacs has been recovered from co-accused Jaspal Singh on 23.8.2015. On the basis of the interrogation of co-accused Jaspal Singh @ Jimmi Sandhu, the petitioner has been named as accused on 25.8.2015. One PW Surjit Singh son of Gagandeep Singh has got a statement recorded under Section 161 Cr.P.C. before the Investigating Officer stating that a sum of Rs.10 lacs has been handed over to the petitioner Arvinder Singh by co-accused Jaspal Singh @ Jimmi Sandhu, in the month of March 2015.

Mr.S.P.S.Sidhu, Advocate, appearing on behalf of petitioner Arvinder Singh has vehemently urged that when police

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remand of Jaspal Singh was taken, he had not mentioned the name of the petitioner as per the application for police remand Annexure P1.

I have heard the counsel for the petitioners and gone through the police file. It will be pre-mature to appreciate evidence gathered by the prosecution regarding sum of Rs.10 lacs having been handed over to the petitioners by determining the admissibility or the relevance of the material being gathered during the course of investigation by entering into the niceties of the trial. The circumstances may warrant grant of concession of regular bail but no case is made out to grant the concession of pre-arrest bail to petitioner Arvinder Singh.

So far as petitioner Gurcharan Singh is concerned, Dilbagh Singh had paid Rs.3 lacs to Gurcharan Singh through Jugraj Singh Ex-Sarpanch of the village and this amount was further to be passed on to another co-accused namey Jugraj Singh Katora and the Chairman, Market Committee, Ferozepur i.e., Jagdeep Kaur.

A perusal of the police file indicates that petitioner Gurcharan Singh had allegedly received a sum of Rs.3 lacs out of the bribe money. His name came on the surface on the basis of statement of Paramjit Abrol and Praveen Khattar who in their statements recorded under-Section 161 Cr.P.C., stated that the amount of Rs.15 lacs had been paid to Jaspal Singh @ Jimmi Sandhu, who was arrested on 22.8.2015. It was on the statement of

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Jimmi Sandhu that it transpired that he had retained Rs.5 lacs out of Rs.15 lacs. A sum of Rs.3 lacs stands recovered from Jaspal Singh @ Jimmi Sandhu. The evidence regarding involvement of the petitioner Gurcharan Singh, prima facie, appears to be debatable, at this stage. He can be granted the concession of pre-arrest bail.

In view of above discussion, petition for the grant of pre-arrest bail filed by petitioner Arvinder Singh is dismissed whereas petition for the grant of pre-arrest bail filed by petitioner Gurcharan Singh is allowed.

It is ordered that in case of arrest of petitioner Gurcharan Singh, he shall be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the arresting officer subject to the conditions that he will join the investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner.

In case petitioner Gurcharan Singh violates any of the conditions, it will be open to the Investigating Officer or the prosecution agency to seek cancellation of bail.

January 14, 2016.
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(M.M.S. BEDI)
JUDGE