

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: February 1, 2016

1. CRM M-34925 of 2015

Jarnail Singh @ Gogla @ Maan

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM M-35252 of 2015

Rajinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

3. CRM M-35326 of 2015

Satnam Singh @ Babu

.....Petitioner

Vs.

State of Punjab

.....Respondent

4. CRM M-35477 of 2015

Harinder Singh @ Bitra

.....Petitioner

Vs.

State of Punjab

.....Respondent

5.

CRM M-36107 of 2015

Saimber Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. Davinder Bir Singh, Advocate for the petitioner
in CRM M-34925 of 2015

Mr. Gorakh Nath, Advocate for the petitioner
in CRM M-35252 of 2015.

Mr. Sarju Puri, Advocate, for the petitioner
in CRM M-35326 of 2015

Mr. G.B.S. Dhillon, Advocate, for the petitioner
in CRM M-35477 of 2015.

Mr. Madan Lal Saini, Advocate, for the petitioner
in CRM M-36107 of 2015

Ms. Harpreet Kaur Athwal, Deputy Advocate General, Punjab.

Mr. Abnash Singh, Advocate for the complainant.

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M.M.S. BEDI, J.

This order will dispose of abovesaid five petitions filed by
Jamail Singh @ Gogla @ Maan (CRM No. M-34925 of 2015), Rajinder

Singh (CRM No. M-35252 of 2015), Satnam Singh @ Babu (CRM No. M-35326 of 2015), Harinder Singh @ Bitra (CRM No. M-35477 of 2015), and Saimber Singh (CRM No. M-36107 of 2015), for grant of regular bail.

The FIR was registered at the instance of Rakesh Kumar alleging that all the petitioners had entered the house of the complainant posing themselves to be Income Tax Officers armed with revolvers. The complainant and his family members were compelled to hand over the entire cash available with them. A total sum of Rs.20 lacs to Rs.25 lacs had been taken away. The son of the complainant had been detained after removing his clothes on the first floor of his house. The complainant was compelled to bring money from his relations also. The presence of the petitioners is alleged to have been witnessed by two guards Maninder Singh and Milaap Chand.

Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the case on account of the complainant being an influential person and the petitioners having been involved in earlier few criminal cases. It is further urged that no identification parade has been conducted prior to the presentation of the challan. In view of said circumstances, the statement of complainant regarding identity of the petitioners would not be acceptable. It also been argued that petitioner Satnam Singh has been involved on the basis of extra-judicial confession of co-accused Jarnail Singh before one Daljit Singh. Counsel for the petitioners submitted that one of the co-accused of the

petitioners namely Sukhwinder Pal Singh alias Sukhi has been granted concession of regular bail by this Court on 27.07.2015 in CRM No. M-6463 of 2015 at a stage when no witness had been examined.

Counsel for the State, Ms. Harpreet Kaur Athwal, Deputy Advocate General, Punjab assisted by Mr. Abnash Singh, counsel for the complainant has opposed the applications for regular bail contending that the petitioners have indulged themselves in a heinous crime by posing as police officers and officials of Income Tax Department and obtaining a huge amount of Rs.20 lacs to Rs.25 lacs and that recovery of Rs.50,000/- has been made from Rajinder Singh, Rs.1,50,000/- from Jamail Singh and Rs.50,000/- from Saimber Singh. A sum of Rs.50,000/-has been recovered from Satnam Singh. The complainant has already been examined.

State Counsel has urged that Jamail Singh is involved in seven other criminal cases whereas Saimber Singh is involved in a murder case registered at Police Station Sarabha Nagar. Jarnail Singh is also involved in a case of murder registered at Police Station Sadar Moga, Rajinder Singh is involved in case of cheating whereas Harinder Singh @ Bitra S/o Jagmail Singh is involved in two cases one of misappropriation and cheating and another under Section 307 IPC registered at Police Station Dakha, Ludhiana.

Counsel for the petitioners have urged that the petitioners have been involved in the case on account of misguided suspicion of the complainant merely because of his being an influential person having connections with police.

I have heard learned counsel for the petitioners and gone through the statement of the complainant Rakesh Kumar made on oath as PW in the Court and in his cross-examination he has duly identified the accused. I have carefully considered the arguments and have also taken into consideration the order of bail to the co-accused of the petitioners Sukhwinder Pal Singh. It has been informed that the other witnesses to the occurrence i.e. Maninder Singh and Milaap Chand are yet to be examined whereas the cross-examination of complainant and his wife is yet to be recorded.

Mr. Davinder Bir Singh, Advocate, counsel for Jamail Singh argued that Jamail Singh has been acquitted in two cases and in three cases the matter has been compromised and he is now accused in remaining two cases.

A perusal of the police record indicates that the act attributed to the petitioners is an act of dare devil by entering the house posing as Income Tax Officers armed with weapons and compelling the victim to handover huge cash under threat. Few of the petitioners are involved in other serious criminal cases, list of which has been provided and placed on the record. Regarding identity of the petitioners, no opinion can be formed at this stage on the basis of the appreciation of evidence but the fact remains that the chances of tampering with the evidence cannot be ruled out in case the petitioners are granted bail at this stage as the cross-examination of the complainant and examination of his wife alongwith statements of eye

witnesses Mohinder Singh and Milap Chand has not been recorded. It will not be expedient in the interest of justice to grant concession of bail to the petitioners.

All the petitions are dismissed.

February 1, 2016
sanjay

(M.M.S.BEDI)
JUDGE