

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

**CRM No.M-43365 of 2016 (O&M)
Date of Decision: 31.01.2017**

Sukhdev Singh ... Petitioner

Versus

State of Punjab ... Respondent

2.CRM No.M-37352 of 2016 (O&M)

Sarabjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. G.K. Mann, Advocate for the petitioner(s).

Ms. Harpreet K. Athwal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-43365 of 2016 (Sukhdev Singh Versus State of Punjab) and CRM No.M-37352 of 2016 (Sarabjit Kaur Versus State of Punjab) as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.05, dated 09.02.2016, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Khalchian, District Amritsar Rural.

In a nutshell, allegations are that Sukhdev Singh (petitioner in CRM-M-43365-2016) had posed as an Inspector in the CBI and along with co-accused Jang Bahadur and Sewa Singh had taken a sum of Rs.20 lacs from the complainant to arrange jobs for their sons in the Chandigarh

police.

On a previous date of hearing i.e. on 12.12.2016, the following order was passed by this Court in CRM-M-43365-2016:

“The petitioner seeks grant of anticipatory bail. As per allegations, the petitioner had posed as an Inspector in the CBI and had taken a sum of ₹ 20 lacs from the complainants to arrange jobs for their sons in the Chandigarh police. As per the order of the Additional Sessions Judge, some money was deposited in account No.65212593847 of Sukhdev Singh i.e the petitioner in SBOP Panchkula and some money was deposited in the account of his wife Sarabjit Kaur bearing No.3152939281 of Central Bank of India Batala.

Today, ASI Parveen Kumar, who is the Investigating Officer, is present in Court. Learned Addl. AG Punjab asked him whether he had been able to verify if any money had been transferred in the aforesaid accounts. He states that he is not in a position to do so. It may be mentioned that wife of the petitioner, Sarabjit Kaur had filed CRM-M No.37352 of 2016 for anticipatory bail and in that case also an adjournment was sought on October 27, 2016 and for that reason, even while adjourning the matter, interim bail had to be granted to that petitioner. Despite the passage of 1½ month, the Investigating Officer has not even been able to ascertain if any money was deposited by the complainants in the accounts of the petitioner and his wife. I find the situation intolerable. Let the SSP, Amritsar (Rural) file his personal affidavit with respect to these facts on or before the next date of hearing.

To be listed along with CRM-M No.37352 of 2016 on 31.1.2017.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

Copy of this order be given dasti to learned Addl. AG

Punjab under the signatures of the Bench Secretary.”

Even Sarabjit Kaur (petitioner in CRM-M-37352-2016) was granted interim protection vide order dated 27.10.2016 passed by this Court and which reads as follows:

“Learned Additional Advocate General seeks an adjournment.

Learned counsel for the petitioner states that she has no objection to adjournment but in that case interim relief should be granted to the petitioner.

I find this to be a fair submission.

Adjourned to 31.01.2017.

In the meantime, in the event of arrest of the petitioner she shall be released on interim bail by the investigating officer subject to the conditions envisaged under Section 438 2) Cr.P.C. However, she shall join investigation as and when her presence is required by the investigating officer.”

In pursuance to the order dated 12.12.2016 passed in CRM-M-43365-2016, learned State counsel has filed in Court today, a status report by way of affidavit of the Senior Superintendent of Police, Amritsar (Rural) and the same is taken on record. Copy of the same has been furnished to the counsel for the petitioner.

A perusal of paragraph 2 of the status report filed in Court would reveal that upon investigation and verification having been done, it has been found that no amount has been transferred by the complainants in the account of Sukhdev Singh.

State counsel, who is on instructions from SI Baldev Singh would concede that co-accused, Jang Bahadur and Sewa Singh and to whom also entrustment of money had been alleged have been found to be innocent during the course of investigation.

It is also the conceded position of fact that the present petitioners have already joined investigation.

In the light of the discussion above, this Court is of the considered view that custodial interrogation of the petitioners would not be warranted.

Accordingly, both the petitions are allowed. Order dated 12.12.2016 passed in CRM-M-43365-2016 and order dated 27.10.2016 passed in CRM-M-37352-2016 are made absolute.

Petitions are disposed of.

31.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |