

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

(1)

**Crl. Misc. No.M-44315 of 2016 (O&M)
Date of Decision: July 26, 2017.**

Navjot Singh Dhaliwal

.....PETITIONER(s).

VERSUS

U.T. Of Chandigarh

.....RESPONDENT(s).

(2)

Crl. Misc. No.M-39715 of 2016 (O&M)

Tarsem Singh Rana

.....PETITIONER(s).

VERSUS

U.T. Of Chandigarh

.....RESPONDENT(s).

(3)

Crl. Misc. No.M-44730 of 2016 (O&M)

Narinder Singh

.....PETITIONER(s).

VERSUS

U.T. Of Chandigarh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Argued by: Mr. Bipin Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate
for the petitioner in CRM-M-44315-2016.

Mr. J.S. Bedi, Senior Advocate with
Mr. L.S. Chahal, Advocate
for the petitioner in CRM-M-39715-2016.

Mr. Bikram Chaudhri, Senior Advocate with
Ms. Isha Goyal, Advocate
for the petitioner In CRM-M-44370-2016.

Mr. Sukant Gupta, A.P.P. for UT Chandigarh.

SURINDER GUPTA, J.(Oral)

All the afore-mentioned petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.83 dated 16.06.2016 registered for the offences punishable under Sections 18 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and 489-C read with Section 120-B and 201 of Indian Penal Code, at Police Station Maloya, Chandigarh.

This is a case having peculiar facts. As per case of prosecution, one Bhagwan Singh was apprehended by the police party of Police Station Maloya on 16.06.2016 on the basis of secret information and 2 kg 600 gms of opium along with fake currency was recovered from his possession. After the registration of the case, the police conducted investigation and found that said Bhagwan Singh had been got implicated under a conspiracy by a number of persons including petitioners Navjot Singh Dhaliwal, Narinder Singh, Tarsem Singh, Advocate Jatin Salwan and several other persons.

During investigation, accused Bhagwan Singh disclosed that he was sent by his owner Sukhbir Singh Shergill (who is running and institute at Mohali) to collect some files from a person named Mr. Bhinder. Under the direction of Sukhbir Singh Shergill, he had talked to one Mr. Bansal at telephone No.+12044000940, who asked him to collect the file from Mr.

Bhinder at Dhillon Barrier. He apprised Mr. Shergill about his conversation with Mr. Bansal and then went to Dhillon Barrier but no one was found there. He again informed Mr. Shergill about it and then received a call from Mr. Bansal, who directed him to collect the files from near Shakti Bhawan, Panchkula. On reaching near Shakti Bhawan, Panchkula, a lady came there and placed a bundle of files in his car. On inquiry by Bhagwan Singh about her identity, she made him to talk to Mr. Bhinder, who asked him to come to Sector-40, Chandigarh to meet him. On his way to Sector-40, Chandigarh, he was apprehended by the police.

Sukhbir Singh Shergill employer of Bhagwan Singh joined investigation on 22.06.2016 and disclosed that he had enmity with Gurnihal Singh Pirzada, R.K. Sangwan, Navjot Singh Dhaliwal, Narender Singh, Jatin Salwan etc. and they might have got trapped his accountant Bhagwan Singh to implicate him in this false case. He gave details of his talks with one Mr. Bansal, who had given assurance to help him in a case against Punjab Info-tech officials and others. Mr. Bansal started chatting with Mr. Shergill on 'Whatsapp' and then told him that he had some important documents which can help him in the case against Punjab Info-tech and others, which are lying in India. Shergill gave mobile number of his accountant Bhagwan Singh to Mr. Bansal and asked Bhagwan Singh to collect the documents from the place designated by Mr. Bansal. On 16.06.2016, Bhagwan Singh called Mr. Shergill and apprised him that Mr. Bansal had contacted him and called him to collect the papers. He again called Mr. Shergill at 9.30/10.00 A.M. and told him that there was no one present at Dhillon Barrier, where he was called by Mr. Bansal to collect

documents. Mr. Shergill asked Bhagwan Singh to return. But later on he came to know that Bhagwan Singh had been trapped by the police as he was carrying opium and fake currency notes.

On further investigation, it transpired that a secret information was received by Sub Inspector Juldhan Singh of Crime Branch, Chandigarh, who was deputed by Inspector Gurmukh Singh Incharge to develop the information and to apprehend the person who was coming with contraband in his blue Maruti Car bearing No.CH01AE-0224. On inquiry, SI Juldhan Singh came to know that retired Inspector Tarsem Rana had provided information to Inspector Gurmukh Singh by calling him on his mobile phone on 16.06.2016. Tarsem Rana also met SI Juldhan Singh at Sector-15, Chandigarh and informed him about colour, registration number of the car in which opium, kept in the files being carried. He also told him that their men are following the said car. On inquiry from Tarsem Rana, he firstly named Kuldeep Singh, who provided him the information but later on after the analysis of his call details, it came to notice that Tarsem Rana had first contacted Inspector Dilsher Singh on 16.06.2016 and conveyed him the secret information, who refused to follow his information on some pretext. Having failed in persuading Inspector Dilsher Singh to act on his information, Tarsem Singh passed the same to Inspector Gurmukh Singh, Incharge Crime Branch, Sector-11, Chandigarh. On further analysis of call details, his conversations with Jatin Salwan on 15th and 16th of June, 2016 were noticed and it was found that Jatin Salwan was in constant touch with Tarsem Rana. Thereafter, statement of Tarsem Rana under Section 164 Cr.P.C. was got recorded before the Magistrate, wherein he disclosed that

on 16.06.2016, Mr. Jatin Salwan provided him information that a person was carrying Narcotics in Blue Maruti Car No.CH01AE-0224 coming from Panchkula side towards Sector 40, Chandigarh. Mr. Jatin Salwan also told him that his man was following the accused who is coming from Panchkula and Jatin Salwan asked him to manage police for execution of his trap. After scrutinized the call details of Inspector Tarsem Rana and Jatin Salwan, who made several calls to Tarsem Rana from his landline number to execute the trap and after checking the call details, it was found that on 15/16.06.2016 Tarsem Singh Rana visited at the residence of co-accused Jatin Salwan in connection with trap of Bhagwan Singh with opium and fake currency.

Further investigation transpired that Narinder Singh, a close friend of Jatin Salwan is also involved in conspiracy of falsely implicating Bhagwan Singh and Mr. Shergill as he was having inimical relations with Mr. Shergill. He alongwith Navjot Singh, Jatin Salwan, Lovepreet Kaur etc. conspired to falsely implicate Mr. Shergill in a case of recovery of contraband and fake Indian currency.

After arrest of Narinder Singh, recovery of one big paper cutter and two small paper cutter which were used for cutting the currency notes and two similar registers used in packing of recovered contraband, found in possession of Bhagwan Singh, were recovered from the house of Lovepreet Kaur in Sunny Enclave, Mohali. Narinder Singh also disclosed that Indian Currency notes were scanned at the residence of Lovepreet Kaur and then they destroyed the printer. He also led the police to the shop in Sector-22, Chandigarh where he had purchased the papers

used for the scanning/forging currency notes.

This fact also came to light during investigation that Navjot Singh is having enmity with Mr. Shergill as there is a dispute between Mr. Shergill and father of Navjot Singh over the issue of management of an Institution at Mohali, in which they both are partners. Narinder Singh had also disclosed that Navjot Singh had paid ₹6 lakh to execute the plan, out of which ₹2 lakh were paid to Jarnail Singh through a person namely Kuldeep Singh friend of Lovepreet Kaur and another sum of ₹4 lakh was paid directly to Jarnail Singh, who provided opium to Narinder Singh. On arrest of Navjot Singh, two court files relating to cases against Mr. Shergill were recovered from his residence as per his disclosure statement. On interrogation, Navjot Singh disclosed that he along with Narinder Singh, Lovepreet Kaur etc. planned to implicate Mr. Shergill in a false case as he was having enmity with Mr. Shergill on certain issues. Narinder Singh was making calls to Sukhbir Singh Shergill with the help of his employee Ashok Kumar Jhatta from a mobile number, which was provided by his worker Ravi Kumar, (whose statement under Section 164 Cr.P.C. was also recorded), posing as Mr. Bansal after downloading an application "*Talk-U*" from internet which shows local call as international call. After sending the message for collecting the files, they destroyed the mobile and sim. In his statement recorded under Section 164 Cr.P.C., Ashok Kumar Jhatta stated that Navjot Singh and Narinder Singh asked him to talk to Mr. Shergill posing as Mr. Bansal. It also came to notice that on the asking of Narinder Singh and Navjot Singh, Lovepreet Kaur had placed files containing opium and fake currency notes in the car of Bhagwan Singh near Shakti Bhawan,

Panchkula. On 16.06.2016, Narinder Singh had asked Navjot Singh to give his car to carry opium and fake currency notes to Panchkula but Navjot Singh instead of giving his own car, went to his friend Gursimran Singh and took his Cruise Car No.CH-01-AP-4362 and handed over the same to Narinder Singh in which opium and fake currency notes were carried. Statement of Gursimran Singh under Section 164 Cr.P.C. to this effect was also recorded before the Magistrate.

Test identification parade of Lovepreet Kaur was got conducted in Burail Jail, where she was identified by Bhagwan Singh.

Learned counsel for petitioner Navjot Singh has argued that he has been implicated in this case as one of the conspirator. Similar allegations were also levelled against Advocate Jatin Salwan, who has been allowed bail by this Court vide order dated 03.10.2016 passed in CRM-M-24166 of 2016. Kuldeep Singh, who received ₹2 lakh and arranged for opium recovered in this case was also allowed bail vide order dated 17.10.2016 passed in CRM-M-32279-2016. Claiming parity with aforesaid two co-accused, bail has been sought for petitioner Navjot Singh Dhaliwal. He further submits that police has effected the recovery of contraband from Bhagwan Singh. While effecting recovery, provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 were followed. It was at later stage, that petitioner has been involved with the allegation that he had conspired to implicate Bhagwan Singh and Sukhbir Singh Shergill.

Learned counsel for petitioner Tarsem Rana argues that petitioner had acted on the information supplied to him by Jatin Salwan.

After allowing bail to Jatin Salwan, there is no reason to decline bail to this

petitioner, whose role, even as per prosecution version, is lessor than that of Mr. Jatin Salwan.

Learned counsel representing petitioner Narinder Singh argues that the evidence against petitioner Narinder Singh is based on disclosure statement of co-accused, evidentiary value of which is subject to the scrutiny by the trial Court. The prosecution has recovered the paper cutter machine and has come up with plea that this was used to cut the paper for fake currency. The petitioner is in custody for the last about one year and conclusion of trial will take considerable long time.

Learned Additional Public Prosecutor for UT Chandigarh has argued that it is a case where all the petitioners along with their co-accused conspired to frame Mr. Sukhbir Singh Shergill in a false case. The investigation of the case reveals that petitioners have operated under a very expert advice. Sim card of the mobile used for making calls to Mr. Shergill was purchased by Narinder Singh from Uttar Pradesh. Two case files relating to cases of Mr. Shergill were recovered from Navjot Singh, who otherwise had no occasion to keep those files. Car for carrying opium and fake currency was also arranged by Navjot Singh from his friend Gursimran Singh, whose statement under Section 164 Cr.P.C. was also recorded. Navjot Singh, being one of main conspirator, had also paid ₹6 lakh for purchase of opium and getting fake currency, which was printed at the house of Lovepreet Kaur. It has also come in disclosure statement of accused that Printer used to print fake currency notes was destroyed. Petitioner Tarsem Rana is a man having dubious service record. He played an active role in approaching the police to provide secret information

against Bhagwan Singh and to get him arrested with the planted opium and fake currency notes. Keeping in view the gravity of offence, petitioners are not entitled to be released on bail.

On giving a careful thought to the facts of the case and respective submissions of learned counsel for the petitioners and learned Additional Public Prosecutor for UT, Chandigarh, I find that it is a case where the police after apprehending Bhagwan Singh on the basis of secret information, swung into action as it suspected his false implication. It got the clue from the person, who gave the secret information namely Tarsem Singh Rana. From the prosecution story, it appears that role of Tarsem Singh Rana was confined to part of conspiracy whereby police was informed about opium and fake currency kept in files being carried by Bhagwan Singh. He was supplied information by Jatin Salwan to this effect which was passed on to the police. Jatin Salwan has already been released on bail vide order dated 03.10.2016 passed in CRM-M-24166 of 2016. As such, petitioner Tarsem Singh Rana is also entitled to regular bail on the ground of parity.

So far as the evidence and role of petitioners Navjot Singh Dhaliwal and Narinder Singh in this case is concerned, they are main accused on whose behest the entire conspiracy was allegedly hatched to falsely implicate Bhagwan Singh. The allegation against them is that they purchased opium by paying money to co-accused, got the fake currency notes printed, facilitate the same to be placed in the car of Bhagwan Singh, an employee of Mr. Sukhbir Singh Shergill. It was at the instance of Narinder Singh that Ashok Kumar Jhatti was talking to Mr. Shergill and

Bhagwan Singh claiming himself to be Mr. Bansal. The money for the purchase of opium by taking the assistance of co-accused was paid by Navjot Singh to Narinder Singh, who further procured the services of Kuldeep Singh, Lovepreet Kaur etc. The release of these two accused on bail at this stage, will not be in the interest of justice as it will provide them an opportunity to hamper the fair trial and prevail upon the prosecution witnesses.

Though the learned counsel for petitioner Navjot Singh Dhaliwal and Narinder Singh had tried to make out that they should be extended the benefit of regular bail on parity with Jatin Salwan Advocate, but I find no merit in this plea as the allegations against them are very serious and grave in nature than allegation against Mr. Jatin Salwan, who as per case of prosecution had passed information for trap of Bhagwan Singh by police and Coordinated for this with Tarsem Singh Rana.

Keeping in view the above facts, I do not find it a fit case to extend the benefit of regular bail to petitioners Navjot Singh Dhaliwal and Narinder Singh at this stage. As such, their bail applications are dismissed. However, bail application of petitioner Tarsem Singh Rana is allowed. He is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Chandigarh subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with

law. In that eventuality the petitioner shall have to apply for bail afresh.

- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

July 26, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***