

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

(1)

CRR-1564-2016

Date of decision:-24.11.2017

Navneet Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

(2)

CRR-1869-2016

Gaurav Kumar Singla @ Toni

...Petitioner

Versus

State of Punjab and another

...Respondents

(3)

CRR-3113-2016

Sukhwinder Singh @ Sukhi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON' BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Ishan Kaushal, Advocate for
Mr.K.S. Khehar, Advocate
for the petitioner(s) in CRR Nos.1869 and 3113 of 2016.

Mr.P.S. Ahluwalia, Advocate
for the petitioner in CRR-1564-2016.

Mr.Kirat Singh Sidhu, DAG, Punjab.

Mr.Mayank Mathur, Advocate
for respondent No.2.

H.S. MADAAN, J.

Vide this judgment, I propose to dispose of three criminal revisions i.e. **CRR-1564-2016** filed by petitioner Navneet Kaur, **CRR-1869-2016** filed by petitioner Gaurav Kumar Singla @ Toni and **CRR-3113-2016** filed by petitioner Sukhwinder Singh @ Sukhi.

Shortly put, the facts of the case as per prosecution story are that accused Gaurav Kumar Singla @ Toni, Sukhwinder Singh @ Sukhi, Gurpreet Singh alias Dimple, Robin Rawal alias Ravi Sharma, Venus Sharma and Navneet Kaur had entered into conspiracy agreeing to do an illegal act in the form of committing dacoity in the office of Muthoot Finance Corporation Ltd., Branch Preet Nagar, Tripri, Patiala. Venus Sharma and Navneet Kaur being employed in that concern were to render help to their co-accused by not raising alarm at the time of dacoity, whereas accused Gaurav Kumar Singla @ Toni, Sukhwinder Singh @ Sukhi, Gurpreet Singh @ Dimple and Robin Rawal @ Ravi Sharma had committed dacoity in the office Muthoot Finance on 16.5.2015 at about 4:30 p.m. in the area of Preet Nagar, Tripri, Patiala taking away 11 kgs.260 gms. of gold and currency notes of the value of Rs.2,54,000/- along with PAN car and ID card of Darshan Singh, Manager of that concern, complainant in this case. Sh.Darshan Singh was kept in illegal confinement and simple hurt was caused to him. On 17.5.2015 accused Robin Rawal was found in possession of 100 packets containing gold in his shop 'Maa Jagdambe Jyotish Centre' in the area near bus-stand, Patiala, which was part of the booty shared between the accused, whereas on 17.5.2015 and 19.5.2015, accused Venus Sharma was found in possession of 50 packets containing gold and currency

notes of Rs.68,500/- in his house at Sewak Colony, Patiala, also part of the booty looted from the Muthoot Finance, whereas on 17.5.2015, accused Navneet Kaur was found in possession of 50 packets containing gold in her house at Ranjit Nagar, Patiala. On 17.5.2015, accused Gaurav Kumar was found in possession of 119 packets containing gold, 726 gms. of gold ornaments, 50 empty pouches, currency notes of Rs.1,35,000/-, ID Card and PAN card of complainant Darshan Singh from his house at Urban Estate, Patiala, whereas on 17.5.2015, accused Sukhwinder Singh @ Sukhi had kept in his possession 100 packets containing gold in his house at Darshan Singh Nagar, Patiala and on 19.5.2015, Gurpreet Singh was found in possession of currency notes of Rs.10,000/- in his house at Urban Estate, Patiala, whereas Gaurav Kumar was also found in possession of .32 bore pistol along with three live cartridges without licence.

After being challaned, the accused were charge-sheeted for the offences under Sections 120-B, 395, 342, 323, 412 read with Section 120-B IPC, whereas in addition to that accused Gaurav Kumar Singla was also charge-sheeted for the offence under Section 25 of the Arms Act.

During the course of trial, an application was moved by the Investigating Officer that accused Gurpreet Singh alias Dimple wanted to become Approver. The application was moved by the Investigating Officer in the Court of learned Additional Sessions Judge, Patiala, where the trial was going on. Notice of that application was given to accused Gurpreet Singh @ Dimple, who had expressed willingness to become an Approver in writing. The trial Court had referred the matter to Chief

Judicial Magistrate, Patiala for recording statement of accused Gurpreet Singh @ Dimple and that statement was recorded by Chief Judicial Magistrate, Patiala on 29.9.2015. Learned Additional Sessions Judge, Patiala vide order dated 22.3.2016 granted pardon to accused Gurpreet Singh @ Dimple on the condition of his making full and true disclosure of whole of the circumstances within his knowledge relating to the offence. The operative part of the order reads as under:

It may be submitted here that the present case has been registered against six accused persons for offences under Sections 395, etc. IPC and Section 25 of Arms Act as all the accused in connivance with each other committed dacoity in the office of Muthoot Fin. Corporation Ltd. and had taken away huge gold ornaments, currency notes and other things and lateron, during investigation, different recoveries were effected from different accused. This Court has gone through the statement of Gurpreet Singh, so recorded by learned Chief Judicial Magistrate, Patiala in this case and perusal of same reveals that accused Gurpreet Singh @ Dimple has disclosed the version of prosecution and also regarding his involvement in the crime. In that way, this Court is satisfied that Gurpreet Singh alias Dimple was directly concerned with the offences so committed in this case and further the statement of this accused would become substantial piece of evidence against rest of the accused, especially, when the dacoity was committed by accused with muffled faces. In the given

set of circumstances, it would be in the interest of justice, to grant pardon to this accused Gurpreet Singh @ Dimple and I order accordingly. It is made clear that such pardon is granted to this accused Gurpreet Singh on the condition of his making full and true disclosure of whole of the circumstances within his knowledge relating to the offence. The statement of Gurpreet Singh shall be recorded on the next date as to whether he accepts tendering of pardon or not and for that purpose to come upon 2.4.2016.

However, accused Navneet Kaur, Sukhwinder Singh @ Sukhi and Gaurav Kumar Singla @ Toni felt aggrieved by the said order and have filed the instant revision petitions craving that such order be set aside.

Notice of revision petitions was given to the respondents, who put in appearance.

Gaurav Kumar Singla @ Toni in the revision petition has contended that he had also moved an application for becoming an Approver, if he is provided relief of pardon, however, no order has been passed on said application.

I have heard learned counsel for the parties, besides going through the record and I find that there is absolutely no merit in the revision petitions.

The trial Court vide impugned order considering the facts and circumstances of the case and the request made by Gurpreet Singh @ Dimple, has recorded satisfaction that Gurpreet Singh @ Dimple was

directly concerned with the offences so committed and statement of that accused would be substantial piece of evidence against rest of the accused especially when the dacoity was committed by accused with muffled faces and that in given set of circumstances, it would be in the interest of justice to grant pardon to accused Gurpreet Singh @ Dimple and accordingly such pardon was granted to him on the condition of his making full and true disclosure of whole of the circumstances within his knowledge relating to the offence.

No illegality or infirmity with such order is found to be there. The petitioners are unnecessarily finding faults with the order and their intention behind doing so appears to prolong the proceedings. No provision of law is shown to have been violated while passing this order and no prejudice to the accused including the petitioners could possibly have been caused therewith. The petitioners cannot offer resistance in that way to Court granting pardon to one of the co-accused. As regards, accused Gaurav Kumar Singla @ Toni also moving an application for becoming approver and the Court not taking any action thereon, once pardon has been granted to one of the accused, the others cannot possibly come forward with such offer with a sole motive to avoid conviction and sentence. No accused can become approver against the wishes of the prosecution.

Mr.P.S. Ahluwalia, Advocate for petitioner in CRR-1564-2016 has referred to certain citations i.e. **Jasbir Singh Versus Vipin Kumar Jaggi, 2001(3) R.C.R.(Criminal)818, State of Punjab Versus Davinder Pal Singh Bhullar and others etc., 2012(1) R.C.R.(Criminal) 126, M/s V.L.S.Finance Ltd. Versus S.P.Gupta and another, 2016(1)**

R.C.R.(Criminal)934 and **C.B.I. Versus Ashok Kumar Aggarwal and another, 2014(5) R.C.R.(Criminal) 688** , but those are not helpful to the petitioners in any way due to different facts and circumstances as well as the context in which such observations had been made.

In view of the above, I find no illegality or infirmity in the impugned order passed by the Court below, the same is upheld and the revision petitions are found to be without any merit and are dismissed accordingly.

Necessary information be sent to the quarter concerned.

24.11.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No