

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

CRM-M-17929-2018

Date of decision: May 07, 2018

Harjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajvinder Singh Bains, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

This petition is for grant of regular bail to the petitioner in case FIR No.22 dated 15.09.2017, registered under Sections 364, 382, 386, 387, 212, 216, 216-A, 414, 416, 120-B IPC, Section 42 Prison Act, at Police Station State Special Operation Cell, Amritsar, Punjab.

As per prosecution, Inspector States Special Operation Cell, Amritsar received a secret information that infamous gangster Gurpreet Singh alias Gopi, Supreet Singh alias Harry, Gurjeet Singh alias Ladda, acquired illegal weapons through their associates Amandeep Singh son of Raj Pal Singh, Harjinder Singh son of Gurdyal Singh, Pintu Tiwari alias Sandeep Tiwari. It is further disclosed by the informer that Randeep Singh alias Rimple, Rubal son of Suba, Lakha and Surjit Singh had been doing smuggling of intoxicants with the help of illegal weapons and were committing the offences of kidnapping and extortions and that by giving threats, they extort money and indulge in looting, snatching and contract killings. It has also been disclosed that they gave shelter to the criminals. Further, it has also been alleged in the FIR that above named network is

being run by another infamous gangster Balwinder Singh alias Doni, who has been lodged in Amritsar Jail and the network is running from the jail. In pursuance thereof, petitioner Harjinder Singh was arrested on 15.09.2017. However, nothing was recovered from the petitioner.

I have heard learned counsel for the parties and have gone through the record.

Learned State counsel has vehemently contended that although nothing has been recovered from the petitioner yet his name is mentioned in the case diary, as disclosed by his co-accused.

On the other hand, learned counsel for the petitioner has contended that neither identification of the petitioner has been established nor FIR of kidnapping or abduction has been lodged against the petitioner; that there is absolutely no role attributed to the petitioner; that no test identification parade was conducted and the case diary is not admissible into evidence. They have further submitted that alleged extra judicial confession made by Gurjeet Singh alias Ladda before Karamjit Singh son of Sh. Didar Singh and Jasbir Singh son of Sh. Harbans Singh is not admissible and there is absolutely no evidence against the petitioner.

This court has given its thoughtful consideration to the rival contentions.

The FIR has been registered on the basis of secret information and also on the basis of suspicion. The police has alleged that Munish Kumar son of Sh.Raj Kumar, Tarun Bedi son of Sh. Satpal Bedi, Neeraj Bhatia son of Sh. Rajesh Bhatia and J.P.S.Bhatia son of Ajitinder Singh Bhatia were abducted by the gang of Gurjeet Singh Ladda and they did not lodge the report to the police.

A bare perusal of the statements of Tarun Bedi, Neeraj Bhatia and Dr. J.P.S. Bhatia transpire that they did not lodge report with regard to their alleged abduction. Dr. Munish Kumar in his police statement alleges that he was abducted on 18.05.2017 but he did not name the petitioner. Only his statement was recorded in this case on 23.09.2017. Similar is the position with regard to said Tarun Bedi who alleged with regard to his abduction but no FIR was registered and petitioner were not arrested in that case. Similarly, said Neeraj Bhatia alleges that he was abducted in 12.02.2016 and JPS Bhatia alleges his abduction on 08.03.2017. All of them had suffered statements that after arrest of abovesaid gangsters Gurpreet Singh alias Gopi and Gurjeet Singh alias Ladda, they have been suffering their statements. None of them was even taken to Uttar Pradesh. Even they failed to attribute any role to the petitioner.

It has also been submitted that nothing incriminating has been recovered from the petitioner. The admissibility of a case diary, relied upon by the prosecution against the petitioners is a debatable point which shall be considered at the time of conclusion of trial.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Harjinder Singh son of late Sh. Gurdial Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Amritsar, subject to following conditions:-

(a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners 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 petitioners shall have to apply for bail afresh.

(c) They shall not leave the country without the previous permission of the trial court.

(RAJ SHEKHAR ATTRI)
JUDGE

May 07, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No