

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

CRM-M-4237-2018 (O&M)

Date of decision:07.02.2018

ASI Hardeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Barjinder Singh, Advocate for
 M. S.N. Sharma, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This is the second petition preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.46, dated 15.05.2017, under Sections 7/8/12/13(1) of the Prevention of Corruption Act, registered at Police Station Khalra, District Tarn Taran.

Counsel for the petitioner has been heard at length.

FIR came to be registered against the backdrop of a statement having made by one Gurmukh Singh to the Chief of Vigilance Bureau, Chandigarh and the matter having been inquired by Senior Superintendent of Police, Tarn Taran. Apparently, it came to light that one Raj Kaur had been intercepted by the present petitioner, who is serving on the post of ASI under Punjab Police and an alleged recovery of 100 intoxicant tablets were effected and that she was let off after taking a bribe amount of Rs.8500/-. There is a CD conversation and as per which Raj Kaur has acknowledged her voice contents as regards such episode. Even statement of co-accused Hira Singh has already been recorded and which reflects upon the complicity of the petitioner. The case is indicative of a police official rather

than preventing drug-menace has tried to take advantage of the situation and as such let of the culprits by accepting illegal gratification.

This Court has perused the order dated 06.07.2017 passed by the Additional Sessions Judge, Tarn Taran declining concession of pre-arrest bail to the petitioner. The same is founded on cogent and valid reasoning.

That apart, the petitioner had earlier filed CRM-M-42587-2017 before this Court seeking concession of anticipatory bail and the matter having been argued at length, Counsel had chosen to withdraw the petition.

During the course of hearing today, no intervening circumstances have been put forth to justify the filing of the second petition under Section 438 Cr.P.C. before this Court.

Petition is dismissed.

07.02.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

107

**CRM-25251-2017 in
CRA-S-2580-SB-2011**

Tehal Singh Vs. State of Punjab

Present: None for the applicant/appellant.

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Counsel for the applicant/appellant is not present.

However, the contents of the application have been perused.

Prayer is for fixation of an early actual date in the main appeal.

The main appeal is already on the Regular Board of this Court at Sr.
No.1017.

No further directions for early hearing are called for.

Application is dismissed.

07.02.2018
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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

110

**CRM-3844-2018 in
CRA-S-3192-SB-2014**

Sunil Kumar Vs. State of Haryana

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
 Mr. Pratham Sethi, Advocate for the applicant/appellant.

...

Prayer in the instant application filed under Section 482 Cr.P.C.
read with Section 389 Cr.P.C. is for staying the conviction of the
applicant/appellant during pendency of the appeal. Applicant stands
convicted for offence under Sections 7 and 13 (1)(d) of the Prevention of
Corruption Act.

Neither in the application nor during the course of hearing, has
the case been made out to fall within the parameters laid down by the
Hon'ble Supreme Court in **State of Punjab Vs. Deepak Mattu, 2007(4)
RCR (Criminal) 380** to accept the prayer for stay the conviction.

Application is dismissed.

07.02.2018
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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

109

**CRM-3582-2018 in
CRA-S-2424-SB-2012**

Tarlochan Singh Vs. State of Punjab

Present: Mr. Sandeep Gahlawat, Advocate for the applicant/appellant.

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In view of the averments made in the application and
submissions advanced by counsel, prayer is allowed.

The main appeal which is on the Regular Board of this Court at
Sr. No.1218 is directed to be set down for hearing on 02.05.2018.

Application is disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

108

**CRM-34683-2017 in
CRA-S-96-SB-2014**

Rajinder Kumar Thamman

Vs.

State of Punjab

Present: Mr. Vineet Sehgal, Advocate for
 Mr. Gautam Dutt, Advocate for the applicant/appellant.

...

Counsel for the applicant/appellant is stated to be unwell.

List on 26.03.2018.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

106

**CRM-3490-2018 in
CRM-M-1558-2018**

Suresh Mandal Vs. State of Punjab

Present: Mr. M.S. Kathuria, Advocate for the applicant/petitioner.

...

To be listed along with the main case for the date already fixed
i.e. 12.02.2018.

07.02.2018
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

CRM-M-2744-2018 (O&M)

Date of decision:07.02.2018

Gurmeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 18.12.2017 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana and whereby the petitioner has been declared a proclaimed offender in relation to FIR No.105, dated 10.09.2013, under Section 15/27-A/29 of the NDPS Act and Sections 7/13(2) of the Prevention of Corruption Act, registered at Police Station Jodhan, District Ludhiana.

Counsel having argued the matter at some length, prays for withdrawal of the instant petition.

Prayer is allowed.

Petition stands dismissed as withdrawn.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

117

**CRM-3679-2018 in
CRM-M-3407-2018**

Gurcharan Singh @ Gogi & another Vs. State of Punjab & another

Present: Ms. Amandeep Kaur, Advocate
for the applicant/respondent No.2.

Mr. Sandeep Gehlawat, Advocate
for the non-applicant/petitioners.

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Application is allowed as prayed for.

Reply of respondent No.2 is taken on record. Copy thereof
already stands furnished to counsel opposite.

Application is disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

115

CRM-M-4109-2018 (O&M)

Sanjeet Vs. State of Haryana

Present: Mr. K.S. Khehar, Advocate for the petitioner.

...

Notice of motion, returnable for 19.03.2018.

On the asking of the Court, Mr. Deepak Grewal, learned
Deputy Advocate General, Haryana accepts notice. A complete copy of the
case paper book has been furnished to learned State counsel in Court itself
and who would complete instructions in the matter by the adjourned date.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

105

CRM-M-5097-2018 (O&M)

Jaspal Rana

Vs.

State of Haryana & another

Present: Mr. K.S. Dhaliwal, Advocate for the petitioner.

...

The instant petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail to the petitioner in complaint case No.4/2015 dated 28.04.2015, under Sections 3 of the Scheduled Castes and Scheduled Tribes Act titled as Raj Pal Vs. Jaspal Singh @ Mota Foji.

Learned counsel would inter alia contend that the complaint itself is ill-motivated and the complainant is habitual of filing false complaints and thereby misusing the provisions of SC/ST Act. Further contended that prior to passing of the summoning order in the private complaint, a report under Section 202 Cr.P.C. had been sought by the Magistrate and which would clearly reflect that a compromise has already been effected between the parties.

Notice of motion, returnable for 14.03.2018.

In the meanwhile, it is directed that in case the petitioner duly appears before the trial Court on the date already fixed i.e. on 14.02.2018, he would be admitted to interim bail subject to satisfaction of the trial Court.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

CRM-M-951-2018 (O&M)
Date of decision:07.02.2018

Vinod Prashad Tiwari

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. GBS Dhillon, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CRM-4396-2018:

Application is allowed as prayed for. Copy of the final investigation report/challan under Section 173 Cr.P.C. is taken on record at Annexure P-10.

Application is disposed of.

Main case:

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.07, dated 28.02.2009, under Sections 420/467/468/471/120-B IPC and Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Ludhiana, District Ludhiana and all proceedings emanating therefrom qua the present petitioner.

Having argued the matter at some length, learned counsel for the petitioner prays for withdrawal of the instant petition.

As per submission and prayer made by counsel, petition is dismissed as withdrawn.

It is clarified that dismissal of the instant petition as withdrawn would not preclude the petitioner from raising all pleas as may be available to him in his defence before the trial Court in accordance with law.

Counsel has apprised the Court that the petitioner, who was holding the post of Law Officer with the Punjab Financial Corporation has since superannuated. Suffice it to observe that in case an application is moved by the petitioner seeking exemption from personal appearance before the trial Court, such application would be dealt with sympathetically.

Disposed of.

07.02.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

CRM-M-43180-2017 (O&M)

Date of decision:07.02.2018

Harpreet Singh @ Happy

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Naveen Upadhyay, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.68, dated 11.04.2017, under Sections 307/452/323/324/506/427/148/149 IPC, registered at Police Station Sadar Ludhiana.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Lovepreet Singh. Occurrence is stated to be of 11.04.2017. Insofar as the present petitioner is concerned, he is alleged to have given a sword blow which hit on the right hand of the complainant Lovepreet Singh. As per complainant's version, the present petitioner also inflicted a sword blow on the head of Kulwinder Singh/injured.

Learned counsel representing the petitioner has adverted to the statement of Kulwinder Singh recorded under Section 161 Cr.P.C. and placed on record at Annexure P-3 and as per which the sword blow suffered by him on the head is attributed not to the present petitioner but to co-accused Sunny. Kulwinder Singh has attributed to the present petitioner

a sword blow on his left hand.

Petitioner was arrested on 01.05.2017.

Investigation in the case is complete and the challan already stands presented.

Trial is at the initial stage and the matter is yet to be committed to the Court of Sessions.

Learned State counsel upon instructions from HC Balwinder Singh has conceded that the injuries suffered by Lovepreet Singh/ complainant as also Kulwinder Singh/injured and attributed to the present petitioner have been opined to be simple in nature.

In the totality of circumstances and without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

CRM-M-47613-2017 (O&M)

Date of decision:07.02.2018

Sanjiv Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Gurpreet Singh Sandhu, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.203, dated 15.09.2017, under Section 22 of the NDPS Act, registered at Police Station Canal Colony, Bathinda.

As per prosecution version, the alleged recovery effected from the petitioner was of 900 intoxicant tablets. As per report of the Chemical Examiner, the same was found to be containing the salt of Alprazolam.

The total alleged recovery from the petitioner comes to 112 grams approximately of Alprazolam.

The same would be construed as marginally over and above the commercial quantity.

Petitioner is not stated to be involved in any other case under the NDPS Act.

Petitioner was arrested on 15.09.2017.

Investigation in the case is complete and challan has been presented.

Trial is at the very initial stage and would take time to conclude.

In the totality of circumstances and without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

**CRM-M-700-2018 (O&M)
Date of decision:07.02.2018**

Nirmal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail in case FIR No.80 dated 25.08.2017 under Sections 436, 427, 148, 149, 120-B, 188 IPC, Sections 3 (I) (II), 4 of Prevention of Damage to Public Property Act, 1984 and Sections 3 and 4 of the Explosive Substances Act, 1908 registered at Police Station, Kot Dharmu, District Mansa, Punjab.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Baljit Singh in relation to an alleged occurrence dated 25.08.2017. Allegations are that about 17/18 persons arrived on motorcycles armed with *Kirpans/Dandas/Baseball Bats* etc. at the petrol pump proclaiming that their Guru of Sirsa had been wrongly convicted. Further allegations are that petrol was poured on a diesel pump machine and was set afire. Damage to the diesel pump machine and other property to the extent of ₹2 lakh was stated to have been caused.

Petitioner is stated to have been arrested on 28.08.2017.

Investigation in the case is complete and challan has been presented.

Learned State counsel on instructions from ASI Ranjit Singh apprises the Court that recovery of one motorcycle has been effected from the petitioner.

Trial is at the very initial stage and would take time to conclude.

Co-accused Darshan Ram as also Amolak Singh have been granted benefit of bail by this Court.

In the considered view of this Court, no useful purpose would be served by confining the petitioner in custody till the completion of trial.

Without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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

**CRM-M-600-2018 (O&M)
Date of decision:07.02.2018**

Birpal

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. M.S. Rana, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.372 dated 22.09.2016, under Sections 395/397 read with Section 34 IPC, registered at Police Station Pataudi, Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Mam Chand, who claimed himself to be working in a Reliance Retail Limited Company, Bhiwani.

Allegations are that on 22.09.2016, the complainant while proceeding on a motorcycle was intercepted by one person who came from the side of trees and hit him with a *lathi* and on account of which he lost his balance and fell down. Thereafter, 2/3 more unidentified persons assaulted the complainant and took away from him two mobile phones and Rs.500-600/- from his purse.

Present petitioner is sought to be implicated in the present case on the basis of a confessional statement recorded by the police during his

CRM-M-600-2018 (O&M)

-2-

custodial interrogation in a different FIR i.e. FIR No.379 dated 26.09.2016, registered at Police Station Pataudi.

Petitioner has been shown to be arrested on 03.01.2017.

Investigation in the case is complete. Challan has been presented and even charges have been framed.

Trial is still at the initial stage and would take time to conclude.

As per prosecution, recovery of one mobile phone has been effected from the petitioner.

Petitioner has already faced incarceration for a period in excess of one year.

Without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

**CRM-M-270-2018 (O&M)
Date of decision:07.02.2018**

Narenderjeet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Vipin Kumar Sharma, Advocate for
 Mr. S.M. Sharma, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Having argued the matter at some length, counsel prays for withdrawal of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.420/467/468/471/120-B IPC read with Section 13(1)(D) of the Prevention of Corruption Act, registered at Police Station Gannaur, District Sonapat.

Prayer is allowed.

Petition stands dismissed as withdrawn.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

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

219

CRM-M-44320-2017 (O&M)

Sham Lal

Vs.

State of Punjab

Present: Mr. Shehbaz Thind, Advocate for
Mr. Navraj S. Mahal, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

On request, adjourned to 12.03.2018.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

220

CRM-M-45194-2017 (O&M)

Dawud Vs. State of Haryana

Present: Mr. Naveen S. Bhardwaj, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

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Learned State counsel is directed to file a specific affidavit as regards involvement of the petitioner in other criminal proceedings as also current status in relation thereto.

Needful be done within a period of two weeks.

List on 28.02.2018.

07.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**