

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 45329 of 2017 (O&M)
Date of decision : 16.2.2018

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Amrit Pal @ Nanna

.....Petitioner

vs.

State of Haryana

.....Respondents

2) CRM-M No. 46223 of 2017 (O&M)

...

Ranjit Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr.R.K. Saini, Advocate
for the petitioner in CRM-M-45329-2017

Mr. P.S. Sullar, Advocate for the petitioner.
for the petitioner in CRM-M-46223-2017

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Vide this order I intend to dispose of two petitions for
grant of pre-arrest bail, i.e. bearing CRM-M-45329-2017 filed by
Amrit Pal @ Nanna and CRM-M-46223-2017 filed by Ranjit Singh,
both of them being accused in FIR No. 161 dated 16.8.2017 for

offences under Sections 392, 365, 34 IPC (Section 395 IPC added later on in place of Section 392 IPC), registered at Police Station Sadar Ambala, District Ambala.

Briefly stated facts of the case, as per prosecution story are that on 15.8.2017 at about 8.00 P.M. complainant Khem Chand s/o Ajmer Parkash r/o H.No. 73A, Ravidass Basti, Ambala Cantt., after loading his vehicle Tata S bearing registration No. HR 37C 9193 with biscuits, had gone to supply the said biscuits to various customers. He was accompanied by one Joginder Singh in that vehicle. After supplying the biscuits and receiving payment of Rs.36,500/- the complainant and Joginder Singh started return journey and their vehicle had passed Dappar Toll Plaza, the time was around 11.00 P.M., he stopped the vehicle on Chandigarh Baldev Nagar Road near Driver 22, for the purpose of urinating. In the meanwhile, a Bolero vehicle of white colour came from Lalru side having 4-5 occupants, who forcibly made the complainant and Joginder Singh sit in that Bolero vehicle, abused them, besides giving beatings and snatched away their money and mobile phone of the complainant, throwing them down about 1.5 km behind Jataur Satsang Bhawan and thereafter sped away with their Bolero vehicle. The complainant and Joginder Singh ran away from there and went to Satsang Bhawan for help. The police was informed. In the statement to the police, complainant gave description of the occupants of Bolero vehicle stating that he could recognize them if brought before him.

After registration of FIR the matter was investigated.

The police received a secret information on 23.9.2017 that the white Bolero vehicle involved in the crime belong to Amrit Pal @ Nanna (present petitioner) of Mota Majra and Bhupinder Singh @ Jimmi residing near Manji Sahib Gurudwara had knowledge of 5-6 boys involved in the incident. He was apprehended and he disclosed the names of miscreants involved in the incident as Anil Balmiki of Nahan House, Ambala City, Sandeep Kumar @ Pachu, Navtej @ Billa, Ranjit all of Dhurkura, Amritpal @ Nanna of Mota Majra. Anil, Sandeep and Navtej were apprehended and joined in the investigation. However, Ranjit Singh and Amritpal @ Nanna could not be arrested.

During investigation, it transpired that on intervening night of 15/16.8.2017 accused Bhupinder Singh @ Jimmy alongwith his accomplices Anil Kumar, Sandeep @ Panchu, Navtej @ Billa, Ranjit Singh and Amritpal Singh @ Nanna, planned to loot some roadside passenger on Chandigarh road and they went towards Lalru in while Bolero vehicle bearing No. HR01-AF-7700 of Amritpal Singh @ Nanna, which was being driven by Amritpal Singh @ Nanna himself; that on reaching near Jhamri cut, Nanna suddenly took turn towards Ambala; that at some distance Tata S vehicle was standing on the road side and its driver and other person were urinating; that Nanna and Bhupinder Singh @ Jimmy came down after stopping the Bolero in front of Tata vehicle, such persons were forcibly bundled in Bolero vehicle and driven towards Ambala. Those two persons were beaten up, Rs.36,500/- in cash and mobile phone with sim, were snatched and two persons were thrown out. Thereafter, looted cash

and mobile phone were distributed between them. Amrit Pal @ Nannu being gang leader, got Rs.6.500/- and mobile phone, whereas remaining looted amount was distributed among the other culprits. Bhupinder Singh got effected the recovery of amount in question from his residential house. Anil, Navtej Singh and Sandeep Singh in their statements to the police, disclosed the manner in which the crime had been committed by them alongwith their co-accused Ranjit Singh and Amrit Pal @ Nanna, getting recovered their respective share of money concealed by them, as per their disclosure statements. Apprehending their arrest Amrit Pal @ Nanna and Ranjit Singh had approached the Court of Sessions for grant of pre-arrest bail, who were unsuccessful there, as such they have approached this Court asking for similar relief, whereas this prayer is being opposed by the State counsel vehemently.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record and I find that though in the FIR petitioners are not named, but that does not result in grant of any advantage to them, since the purpose of recording the FIR is to set the criminal machinery into motion and since it is lodged in a hurry in most of the cases, the minute details of the incident may not be got recorded therein. It is only after registration of the FIR, during investigation that details of the incident and manner of the same being executed come out to be there. Involvement of the petitioners in the incident was found to be there during investigation of the case. Petitioner Amrit Pal @ Nanna is stated to be leader of the gang. His Bolero vehicle HR 01-AF 7700 of white colour was used in the

incident which he himself was driving. Co-accused of the petitioners Bhupinder Singh, Anil, Navtej Singh and Sandeep Singh have specifically named the present petitioners to have participated in the incident alongwith them. Such statement of co-accused which is incriminating can certainly be used in getting lead during the investigation. Under Section 30 of the Indian Evidence Act, confession made by one of the accused, affecting himself and some other accused can be proved and taken into consideration by the Court trying all such accused.

Those accused had got recovered their share of the looted money stated to have been given to them by Amrit Pal @ Nanna – petitioner. Amrit Pal @ Nanna is stated to have received Rs.6,500/- and mobile phone belonging to the complainant, whereas Rs.6,000/- going to the share of Ranjit Singh.

Although both the petitioners have joined the investigation, however, as stated by the Investigating officer, they have not got the recovery effected and cooperated in the investigation disclosing the facts within their knowledge. The custodial interrogation of these petitioners is definitely required to effect the recovery and for complete and effective investigation. If the same is denied to the Investigating Agency, that shall adversely effect the investigation, which is uncalled for. Furthermore, the law is well settled that custodial interrogation is more elicitation oriented since a person who is couched in comparative safety of pre-arrest bail, would certainly not disclose all the facts within his knowledge, which would be inculpatory for him.

It needs to be observed here that both the victims had identified the petitioners to be the persons who were involved in the incident when they had gone to join investigation with the police on 9.12.2017. Therefore, no doubt regarding identity of the petitioners remains. Furthermore, as observed by learned Additional Sessions Judge, Ambala, while dismissing application for grant of pre-arrest bail, filed by Amrit Pal @ Nanna vide order dated 22.11.2017, the petitioner had committed fraud upon the complainant as well as court. In fact, parents and other relatives of the petitioner approached the complainant and injured, showing them photograph of cousin of the petitioner, on which complainant and injured stated that the person shown in the photograph was not involved in the crime and furnished affidavit in that regard. It was only later on that the complainant came to know that his affidavit had been obtained in a fraudulent manner. Such type of persons, who indulge in these type of tactics are not entitled to the discretionary relief of pre-arrest bail.

In view of the above discussion, no ground for grant of pre-arrest bail is made out. Accordingly, Both the petitions are hereby dismissed.

16.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No