

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 19.07.2019

1. CRM-M-9294 of 2018 (O&M)

Navjot Singh Dhaliwal

..... Petitioner

Versus

UT of Chandigarh

..... Respondent

2. CRM-M-39365 of 2018 (O&M)

Narinder Singh

..... Petitioner

Versus

UT of Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bipin Ghai, Sr. Advocate with
Mr. Vishvajit S. Virk, Advocate
for the petitioner (in CRM-M-9294-2018).

Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate
for the petitioner (in CRM-M-39365-2018)

Mr. Sukant Gupta, APP for UT, Chandigarh.

ANIL KSHETARPAL, J.

By this order, CRM-M-9294 of 2018 (Navjot Singh Dhaliwal)
and CRM-M-39365 of 2018 (Narinder Singh) filed for grant of bail shall
stand disposed of.

It will be noted that Navjot Singh Dhaliwal is on interim bail
since August 2018 and there are no complaints with regard to misuse of
concession of bail whereas Narinder Singh is in custody since 20.07.2016

except for a period of one month when he was granted interim bail during Christmas vacations in 2018.

Facts of the case have been discussed in detail while disposing of the petition bearing No.CRM-M-44315 of 2016, decided on 26.07.2017 which are extracted as under:-

“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 an 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 Juldan 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 Juldan 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 Juldan Singh at Sector-15, Chandigarh and informed him about colour, registration number of the car in which opium, kept in the files was 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.”

Learned counsel appearing for the petitioners have addressed detailed arguments which are not required to be discussed in detail at this stage. The incident is of 16.06.2016. As per custody certificate dated 11.07.2019, Narinder Singh is in custody for a period of 2 years, 11 months and 4 days. In other words, he is nearly in custody for almost 3 years. As per counsel for Union Territory, Chandigarh, the prosecution has examined 23 witnesses out of total 50. It is also not in dispute that co-accused Jatin Salwan, Tarsem Singh Rana and Kuldeep Singh have already been granted concession of regular bail. The conclusion of the trial of the case is likely to take time as 27 more witnesses still remain to be examined from the prosecution. It has further been noticed that Public Prosecutor had filed an application for permission to carry out further investigation but the same was withdrawn after a period of one and a half year.

Accused are presumed to be innocent till they are convicted. As per custody certificate, Narinder Singh is involved in 3 other cases pending trial. The alleged offences in the aforesaid 3 FIRs are not relating to narcotics substances. No doubt, previous application for grant of concession of bail was dismissed by the Court at that stage, however, the trial of the case is progressing at a snails pace. Further, incarceration of the petitioner during the pendency of the trial is not justified. Hence, in the case of Navjot Singh Dhaliwal, interim bail granted on 29.08.2018 is made absolute subject to furnishing bail/surety bonds to the satisfaction of the concerned Illaqa Magistrate/Duty Magistrate. Narinder Singh is directed to be released on bail on furnishing adequate personal/surety bonds to the

satisfaction of the concerned Illaqa Magistrate/Duty Magistrate.

Both the petitions are allowed.

The pending miscellaneous application, if any in both the petitions, shall stand disposed of accordingly.

19.07.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No