

221

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

**CRM-M No.2827 of 2020
Date of Decision: 13.02.2020**

Amrik Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jagjit Pal Singh Sarao, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.01 dated 12.04.2019 registered under Sections 406/34 IPC (Offences under Sections 392, 120-B, 411, 412, 406, 201 IPC and Sections 13(1)(a), 13(2) of the Prevention Act added later on) at Police Station Punjab State Crime, SAS Nagar Mohali.

The FIR was registered on the complaint of Anthony Madassary. Complainant is a partner in Firm M/s Shodhya who was dealing in sale and purchase of stationary items which were

being provided to number of schools run by Diocese Jalandhar in all over the Punjab. The sale proceeds were being collected at the house of the complainant. 30 unidentified persons in police uniforms came to the house of the complainant and took away an amount of Rs.16,36,54,988/-. An amount of Rs.9,65,00,000/- was given to the Income Tax Department and an amount of Rs.6,65,00,000/- was taken away by the police officials. The FIR came to be registered with this background.

Learned counsel for the petitioner states that number of persons are involved in the aforesaid incident. The first category is of those persons who actually looted the amount. The second category is of those persons who shared the booty without participating in actual loot and third category is of those persons who did not participate in the raiding process, nor anything paid to them. Petitioner is a police official and is distantly related to main accused namely ASI Rajpreet. Learned counsel further places reliance upon the cases of Amandeep Singh Kamboj @ Ishu from whom recovery of an amount of Rs.2,87,500/- was effected, Davinder Kumar @ Kala from whom an amount of Rs.30,00,000/- was recovered, Mohd. Shakeel @ Khan from whom an amount of Rs.20,00,000/- was recovered and Gurwinder Singh @ Garry from whom an amount of Rs.3,00,000/- was recovered.

Petitioner has also not participated in the raid. The distant relation of the petitioner i.e. ASI Rajpreet handed over an amount of Rs.3,00,000/- to him and the same stands recovered from the petitioner. Dilbag Singh and Surinder Singh have been granted regular bail by this Court on 04.02.2020 in CRM-M No.52627 of 2019 and CRM-M No.53802 of 2019 respectively.

Per contra, learned State counsel on instructions from ASI Chajju Singh opposed the prayer on the ground that the case of the petitioner cannot be treated at par with those persons who have been granted bail as those persons are not police officials.

Evidently, the petitioner has not participated in the original raid. The alleged share of booty is only at the instance of Rajpreet who is stated to be in distant relation of the petitioner.

Petitioner is in custody since 02.05.2019. Charges have been framed, but no prosecution witness has been examined so far. The trial of the case may take long time in its culmination.

In view of aforesaid position, regular bail of the petitioner can be considered on stringent condition in order to ward off any apprehension of the prosecution i.e. petitioner may flee from justice.

At this stage, without meaning anything on merits of the case, petitioner is directed to be released on regular bail subject to his furnishing heavy bail bonds and surety bonds to the satisfaction of the trial Court. Petitioner shall surrender his passport, if any, before the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

13.02.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No