

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

CRM-M No. 8561 of 2020

Date of decision : 14.09.2020

(Heard Through Video Conferencing)

Palwinder Singh alias Dimple

.... Petitioner

Versus

Central Bureau of Investigation

... Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. N. S. Shekhawat, Advocate for the petitioner.

Mr. Sumeet Goel, Standing Counsel for the respondent-CBI.

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DAYA CHAUDHARY, J.

Petitioner Palwinder Singh alias Dimple has filed the present petition under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in case FIR/RC No. RCCHG51201750003/2017 dated 09.01.2017 under Sections 302/120-B of the Indian Penal Code, 1860 and Sections 3,4,5 of Explosive Substances Act and Sections 16 and 18 of the Unlawful Activities (Prevention) Act, 1967 registered at Police Station CBI, SCB, Chandigarh. Earlier he filed CRM-M No.51593 of 2018, which was dismissed as withdrawn on 22.02.2019.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, whereas neither his name was mentioned in the FIR nor there is anything to connect him with the alleged

offence. He has been implicated on the basis of disclosure statement of co-accused Harbhej Singh, which was made while he was in police custody. Learned counsel also submits that confessional/disclosure statement is a weak type of evidence and no reliance can be made thereupon. Even the complainant has denied having made any supplementary statement.

Learned counsel for the petitioner further submits that co-accused Hardeep Singh, Jagmohan Singh alias Manga and Harbhej Singh have been released on regular bail. One co-accused Ranjit Singh was found innocent by the investigating agency. The petitioner was arrested on 11.10.2018 and since then he is in custody. Learned counsel further submits that the case of the petitioner is on better footings viz-a-viz co-accused Harbhej Singh, who has been released on regular bail vide order dated 14.07.2017. Trial may take long time to conclude as there is no progress in the proceedings and no purpose would be served by keeping him in custody. Petitioner is ready to abide by all the terms and conditions to be imposed by this Court or by the trial Court. There is no other case pending against him. Petitioner was in Thailand and he was arrested by the Immigration Authorities and deported to India on 11.10.2018. He was arrested from the Airport, New Delhi by the investigating agency and there is no likelihood that he may tamper with the evidence or influence the prosecution witnesses.

Learned counsel for the respondent-CBI has opposed the submissions made by learned counsel for the petitioner. He submits that the allegations against the petitioner are that he supplied tiffin box

bombs/explosive material to the co-accused. It was a case of conspiracy and call details between the accused persons have come in the investigation. Earlier also the petitioner absconded and left India for Thailand on 09.01.2016. Still there are chances that he may run away from India and tamper with the evidence. His earlier petition for bail was dismissed as withdrawn and there are no changed circumstances. He also submits that it is a case of conspiracy. There is one more case of murder against the petitioner, wherein he was granted benefit of default bail but not on merit.

Heard arguments of learned counsel for the petitioner as well as learned counsel for the respondent-CBI. I have also perused the allegations against the petitioner as well as the order passed in case of co-accused Harbhej Singh.

Admittedly, this is the second petition for regular bail as earlier one was dismissed as withdrawn when the Court was not inclined to grant regular bail. There are serious allegations of conspiracy between the accused persons. Earlier the investigation was conducted by the local police and challan was also filed. Thereafter, the investigation was transferred to the CBI. There are total six accused including the present petitioner. During interrogation of co-accused Jagmohan Singh alias Manga, he disclosed that he along with deceased Ajay Sharma had brought tiffin bombs from accused Harbhej Singh and Rattan Singh from Haryana. Those bombs were procured from present petitioner Palwinder Singh. The explosive material was kept with accused Hardeep Singh in furtherance of conspiracy between the accused persons. Petitioner accused was absconding and left India for

Thailand and did not join investigation. Subsequently, he was arrested by the Immigration Authorities while he was in Thailand. Petitioner is also involved in one more case of murder, wherein he has been released on default bail but not on merit as challan was not presented within the prescribed period. Specific allegations are there against him that he supplied explosive material to co-accused with their common intention. Petitioner cannot claim parity with co-accused Harbhej Singh who has been released on regular bail as the petitioner is having criminal background and his past conduct during investigation is also not good as he did not join investigation and left the country. Moreover, there are no changed circumstances, except custody period, as the earlier petition for bail was dismissed as withdrawn when the Court was not inclined to release him on bail.

Accordingly, the petitioner does not deserve the concession of regular bail and the present petition, being devoid of any merit, is hereby dismissed.

Dated : 14.09.2020*sunil yadav***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No