

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

**CRM-M-10919 of 2020(O&M)
DATE OF DECISION : 30.10.2020**

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present : Mr. Lalit Singla, Advocate,
For the petitioner.**

**Mr. P.S. Walia, AAG Punjab.
(Presence marked through video conference).**

ARUN MONGA, J. (ORAL)

1. Petitioner is seeking regular bail in FIR No.1 dated 12.04.2019, registered under Sections 406 read with Section 34 IPC and Sections 13(1)(a) and 13(2) of Prevention of Corruption Act, Police Station Punjab State Crime, SAS Nagar, Mohali, to which Sections 392, 411, 412, 201 and 120-B IPC were added later on.

2. Complainant in the FIR is Father Anthony Madassary. He is also a partner in a firm M/s Sahodhaya. The firm was dealing in sale-purchase of stationary items which were being provided to number of schools run by Diocese, Jalandhar in the State of Punjab. Sale proceeds in cash were being collected at the residence of the complainant. One fine day, about 30 unidentified persons armed with deadly weapons, in police uniforms, suddenly came to the house of the complainant and from there allegedly took away/confiscated an amount of Rs.16,36,54,988/-. However, only part amount of Rs.9,66,00,000/- was later handed over to the Income

Tax Department. Rest of Rs.6,65,00,000/- was thus misappropriated by the police officials.

3. The complainant further alleges that a total amount of Rs.30,34,54,988/- was collected by the firm. Out of the aforesaid amount, an amount of Rs.14,00,00,000/- had already been deposited with the South Indian Bank. The officials of the aforesaid bank were counting the balance cash to take the same for deposit in the account of the firm. In the presence of bank officials, police officials snatched mobile phones and one Mr. Roger was also illegally taken in custody by them. The complainant was also allegedly kept in custody by the police officials of S.S.P., Khanna.

4. During investigation, ASI Joginder Singh (petitioner) made a disclosure statement that on 29.03.2019, the huge amount which he along with ASI Rajpreet Singh and one Surinder Singh had confiscated, was separated into currency notes of Rs.2,000/- and Rs.500/- denomination. They then put the same in one gunny bag and a polythene bag. On the way, he called for a Swift Dzire Car and both the bags full of separated notes were put in said Swift Car from the Verna car. They parked the car at Khalsa Petrol Pump, Khanna after locking the same. ASI Joginder Singh and ASI Rajpreet Singh then took both the cars from Khalsa Petrol Pump and went to the house of ASI Joginder Singh where they divided the looted amount into three heaps. ASI Joginder Singh gave one heap to Rajpreet Singh and other two heaps were kept by him for himself as well as for Surinder Singh. ASI Joginder Singh further revealed that he had given an amount of Rs.40,00,000/- to his friend Surinderpal @ Chidi son of Ram Saroop, an amount of Rs.20,00,000/- to his friend Mohd. Shakeel, an amount of Rs.20,00,000/- to his friend Commission Agent Davinder Kumar @ Kala

and an amount of Rs.30,00,000/- to his relative Sanjeev Kumar. ASI Rajpreet Singh also made a similar disclosure statement.

5. Investigation revealed Inspector Gurdeep Singh was in fact Incharge of the police party which raided the house of the complainant. After the raid, ASI Rajpreet Singh, ASI Joginder Singh and one private man Surinder Singh came separately in a white Verna car. Both the ASI never informed him about the recovery of further additional cash. They misappropriated the same in a wrongful manner. A total of 13 person which included two police officials were made accused for committing the offence per FIR.

6. On completion of investigation, final report under Section 173 Cr.P.C. have been filed, charges framed and the case is at the stage of trial.

7. Learned counsel for the petitioner at the outset submits that, except his client, all the other co-accused have been enlarged on bail. He argues that one other police official, who has been attributed same role as that to the petitioner, has already been granted concession of regular bail by co-ordinate bench of this Court vide order dated 04.02.2020 passed in CRM-M-53802 of 2019. He further submits that apart from parity, petitioner also deserves mercy on account of his wife's terminal illness so as to look after her. She is stated to be suffering from cancer. He submits that petitioner also has two sons and a daughter to maintain. He further submits that no useful purpose would be served by keeping the petitioner in preventive custody any more as presently trial is held up due to Covid-19 pandemic.

8. Learned State counsel, on the other hand, opposes the bail plea. He, however, does not controvert that investigation is complete and challan has been filed and the trial is held up due to current pandemic scenario.

9. The petitioner is in custody for the last more than 1 year and 04 months. All the other co accused have already been given concession of bail. Bail has been granted even to the similarly placed co-accused/police official. In the premise, on the ground of parity alone, the petitioner is entitled to the same relief.

10. Apart there from, presently there is no headway in the trial, which is held up due to Covid-19 pandemic. There is no likelihood of its resumption or conclusion thereof anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. No useful purpose would be served by keeping the petitioner in preventive custody any further.

11. Medical condition of the wife of the petitioner, on an earlier occasion, was also got verified under the orders of this Court. She indeed was found to be suffering from carcinoma. The petitioner was then granted concession of interim bail for few days. In view of his wife's nature of ailment, the petitioner deserves some concession on humanitarian grounds as well.

12. In the premise, taking wholesome view of the matter, but without expressing any opinion on the merits of the case, at this juncture, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

13. Petition stands allowed accordingly.

OCTOBER 30, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No