

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

CRM-M-11106-2020 (O&M)

Date of decision: 17.09.2020

Rajpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Rajpreet Singh son of Sh. Dharam Singh, aged about 30 years, resident of New Mohindra Colony near Ghalhori Gate, Patiala, posted as Head Constable No.1082/Fatehgarh Sahib, an accused in FIR No.0001 dated 12.04.2019, for offences under Sections 406, 34 IPC and Sections 13(1) (a), 13(2) of the Prevention of Corruption Act, 1988, registered with Police Station Punjab State Crime, SAS Nagar, Mohali.

Briefly stated facts of the case as per prosecution version are that, complainant Father Anthony Maedasser had submitted a complaint to the police to the effect that he is a partner in the firm being run under the name and style of M/s Sahodhaya having its registered office at Model Town, Ludhiana; said firm is dealing in sale and purchase of

stationery items and books which are being provided to various schools being run by Diocese Jalandhar all over Punjab; that on 29.03.2019 at about 4.00 PM around 30 unidentified persons dressed in police uniform forcibly trespassed in house of the complainant at Jalandhar with an intention to commit robbery; they were carrying arms including revolvers, assault rifles and other fire arms; they snatched mobile phones of the complainant and other residents of the house and took away Mr. Roger along with them illegally and unlawfully; the entire cash amount available in the house belonging to the firm was taken away by the police officials; the total amount so collected was Rs.30,34,54,988/-; out of that amount, a sum of Rs.14 crores has been deposited with South Indian Bank and officials of that bank were counting the currency to take the same for deposit in the account head by firm M/s Sahodhaya with the bank; the complainant was wrongly confined by the police officials of Khanna Police District; one Superintendent of Police by name of Manjit Singh along with other police officials illegally confined the complainant for the entire night and was released on next day i.e. 30.03.2019 at 5.00 AM, stating that money which had been seized sent to Income Tax authorities; a notice was served upon the complainant by Income Tax authorities, Ludhiana to appear before ITO, Ludhiana on 30.03.2019 at 3.15 PM; the complainant accordingly went there and was shocked to know that the amount was given to Income Tax authorities was only Rs.9,66,00,000/-, when the amount actually removed from the house of complainant was Rs.16,34,54,988/-; in that way, a sum of Rs.6,65,00,000/- had been misappropriated by the police officials; on the

basis of that complaint, formal FIR was registered; the investigation in the case started; a Special Investigation Team had been constituted being led by IGP Crime-I; during the course of investigation/enquiry, it transpired that Inspector Gurdeep Singh was In-charge of police party which had conducted raid at house of the complainant on 29.03.2019 and the petitioner/accused was part of advance party of the police contingent; Inspector Gurdeep Singh had stated before SIT that he had conducted the raid as per message received by him from petitioner/accused ASI Rajpreet Singh and ASI Joginder Singh, who were already present at FMJ house Partapura, Jalandhar and that ASI Rajpreet Singh along with ASI Joginder Singh and one Surinder Singh had arrived at the spot in a white car make Verna having some cash amount and they had not informed Inspector Gurdeep Singh about recovery of more cash; accused was arrested in this case on 01.05.2019; a sum of Rs.2,36,50,000 had been recovered from him and his accomplices; after completion of investigation, challan against 11 persons including the petitioner has been filed in the Court; supplementary challan has also been filed against 02 more persons.

The petitioner had moved a petition for regular bail before the Court of Sessions at Mohali, which was dismissed by Special Judge, SAS Nagar, Mohali, vide order dated 19.09.2019. As such, he has knocked at the door of this Court, by way of filing the similar petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is behind bars for more than 01 year and 04 months; the recovery has already been effected from him; the challan has been filed against the petitioner and other accused in the Court, however, there are 162 prosecution witnesses cited by the prosecution and none of the PWs have been examined so far; his further detention shall not serve any purpose. As such, he be granted regular bail.

Though, learned State counsel has opposed the request vehemently, however, keeping in view the facts and circumstances of the case and the fact that the petitioner is in custody since 01.05.2019 i.e. for a period of more than 01 year and 04 months with 162 prosecution witnesses having been cited by the prosecution and none out of those having been examined so far, the conclusion of trial is likely to take considerable time, especially when functioning of Courts has been hampered on account of outbreak of COVID-19 Pandemic. Therefore, I find it proper and appropriate to allow the petition. The same is accordingly allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, SAS Nagar Mohali, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

(iv) he shall get his presence marked at Police Station Punjab State Crime, SAS Nagar, Mohali on every Monday between 10 AM to 12 noon and this fact will be incorporated in the Daily Diary Register.

(v) The petitioner shall not indulge in any criminal activity.

However, if it is found that he violates any of the above conditions, this order granting regular bail to him shall be liable to be withdrawn.

17.09.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No