

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30993-2020 (O&M)

Date of Decision:- 5.10.2020

Sikander Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakhwinder Singh Sidhu, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.150, dated 9.8.2020, Police Station Boha, District Mansa, under Sections 420, 384, 120-B IPC, wherein he is alleged to have been nominated on the basis of a statement of one Dalwinder Singh.
2. Notice of motion.

3. At this stage, Mr. Rana Harjasdeep Singh, DAG, Punjab to whom an advance copy of the petition had already been furnished, accepts notice on behalf of respondent-State.
4. Mr. B.S. Jatana, Advocate, counsel for the complainant has also put in appearance through Video Conferencing.
5. Learned State counsel as well as the counsel for complainant have both submitted that they are ready with the arguments and have complete instructions in the matter. As such, the matter is being taken up for detailed hearing today itself.
6. The FIR in the present case was lodged by SI Rajinder Singh, on the basis of secret information received to the effect that 6 persons out of which 3 were ladies and 3 were men used to implicate innocent persons by way of "Honey Trapping". It is alleged in the FIR that Jaspal Kaur @ Relan and Gurmeet Singh were residing together as husband and wife and they along with Kamalpreet Kaur @ Komal and another lady namely Jaspal Kaur wife of Unknown, Tarsem Sharma @ Mangu Sharma and Balkar Singh had formed a gang and also associated some other girls with them and the modus operandi was that they used to get in touch with persons of renowned families through the girls in the gang by way of making phone calls and involve them in the trap and later used to blackmail them for huge amounts. It is alleged that the said persons had extorted an amount of ₹60,000/- from Gurdeep Singh and had got a case of rape registered against Binder Singh which was later compromised after getting money from him. It is further alleged that about a month back they

had extracted an amount of ₹25,000/- from one Jasvir Singh by trapping him in the same manner and had also involved Manjit Singh ex-Sarpanch in a well planned conspiracy about an year back and later settled the matter after taking an amount of ₹7 lakhs from him. It is also alleged therein that a fake marriage of Surinder Kumar was also performed with some girl and huge amount was obtained from him but later the girl was made to flee from his house.

7. Subsequently, statement of one Dalwinder Singh was recorded on 15.8.2020 in terms of Section 161 Cr.P.C. wherein he stated that about 17-18 days back when he was returning back home on his motorcycle, he met Sikander Singh ex-Sarpanch along with Jaspal Kaur, Gurmeet Singh and Balkar Singh and another girl who was being referred to as Kamal. He also stated that one person namely Mangu was also standing there. Dalwinder Singh stated that the petitioner-Sikander Singh requested him that he needed his help and that since Inderjit Singh Sarpanch had humiliated him (Sikander Singh), therefore, he wanted to take revenge and wanted to implicate him falsely in a case and that in case Dalwinder Singh chose to help him, then he would withdraw the defamation case which he (Sikander Singh) had instituted against him. Dalwinder Singh stated that he however, did not wish to commit any such evil act to involve an innocent person and declined his request. However, a few days thereafter, he came to know that Jaspal Kaur @ Relan and others had formed a gang so as to trap person from good families and to blackmail them. He further stated therein that he came to know that

the said persons had sent Paramjit Kaur and had got a false case of rape lodged against Inderjit Singh ex-Sarpanch.

8. Learned counsel for the petitioner has submitted that he is not named in the FIR and has been subsequently nominated as an accused on the basis of statement of one Dalvinder Singh recorded in terms of Section 161 Cr.P.C. It has been submitted that no reliance can be placed on the said statement of Dalwinder Singh since he is at loggerheads with the petitioner and there have been several bouts of civil litigation amongst them. Learned counsel in this regard has drawn the attention of this Court to a copy of judgment dated 2.7.2019 (Annexure P-4) pertaining to a civil suit filed by Sukhdarshan Singh and others in which aforesaid Dalwinder Singh was also plaintiff against Sikander Singh which was dismissed. The learned counsel has also drawn the attention of this Court to a copy of plaint (Annexure P-5) pertaining to a civil suit instituted by petitioner-Sikander Singh against Sukhdarshan Singh, Dalwinder Singh and Jaswinder Singh, which is stated to be still pending. It has thus been submitted that the petitioner who is an ex-Sarpanch has basically been involved on account of political rivalry and on account of the pendency of other litigation amongst them so as to pressurise him.
9. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that at this stage the veracity of statement of Dalwinder Singh, recorded under Section 161 Cr.P.C. cannot be doubted and that in fact apart from the said

statement of Dalwinder Singh, some of the co-accused namely Kamaljit Kaur and Tarsem Kumar have also named the petitioner as their accomplice.

10. I have considered rival submissions addressed before this Court. It is not disputed that in the FIR, 6 persons have been specifically named wherein petitioner is not amongst the said 6 accused. However, it is pursuant to a statement of one Dalwinder Singh recorded subsequently under Section 161 Cr.P.C. that the petitioner came to be nominated as an accused on the ground that the petitioner had asked for help of the aforesaid Dalwinder Singh in getting Inderjit Singh falsely implicated. It is borne out from the copy of judgment (Annexure P-4) and a copy of plaint (Annexure P-5) that the petitioner and the complainant are at loggerheads and there has been civil litigation amongst them. In any case, even though Inderjit Singh is stated to have been implicated subsequently in respect of allegation under Section 376 IPC, a perusal of the said FIR against Inderjit Singh does not show that the same was lodged at the instance of the petitioner-Sikander Singh or that he is in league with the complainant in the said case.
11. Bearing in mind, the aforestated facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is hereby accepted and the petitioner, in the event of arrest, shall be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the

investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

12 It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

October 5, 2020
mohan

(GURVINDER SINGH GILL)
JUDGE

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