

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46104-2019
Date of Decision: 28.01.2020

Shinder Pal Singh

....Petitioner

Versus

State of Punjab

....Respondent

Present: Mr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Chetan Mittal, Senior Advocate, with
Mr. Kunal Mulwani, Advocate, for the complainant.

Harnaresh Singh Gill, J.

Status report filed by way of affidavit of Gurpartap Singh Sahota, PPS, Deputy Superintendent of Police, Sub Division, Attari, Amritsar-Rural, is taken on record.

This is a petition under Section 439 Cr.P.C. for grant of concession of regular bail in case bearing FIR No. 141 dated 20.08.2019 under Sections 420 and 120-B IPC (offences under Sections 467, 468, 471 IPC added later on vide GD No. 11 dated 23.08.2019) registered at Police Station Gharinda, District Amritsar-Rural.

Learned Senior Counsel appearing for the petitioner states that the petitioner has falsely been implicated in the present case being the father of the main accused, namely, Sharanjit Singh @ Jimmy. It is further contended that the documents Annexures P.7 to P.9, do not show any involvement

of the petitioner in the alleged crime as the son of the petitioner and the complainant had entered into a business agreement and the allegations in the FIR pertain to the alleged acts of Sharanjit Singh @ Jimmy in having purchased 18 lotteries in the name of his family members, whereas the money for all the 418 lotteries had been invested by the complainant himself.

It is further contended that the petitioner has been in custody since the date of his arrest i.e. 21.8.2019 and as the investigation in the case stands completed, the petitioner is not required for any further custodial interrogation. Even, the challan in the present case has since been presented in the Court.

On the other hand, the learned State counsel as also the learned Senior Counsel appearing for the complainant, while vehemently opposing the bail application, state that the petitioner being father of the main accused Sharanjit Singh @ Jimmy, cannot escape the liability, especially when there surfaced sufficient evidence during the investigation that he had connived with his son in the alleged commission of the crime. It is further contended that during investigation it was revealed that accused Sharanjit Singh had got allotted one MC 74, Circle Ludhiana-3 of liquor vends in the name of his father i.e. present petitioner. As per the agreement between the complainant and accused Sharanjit Singh, the same was to be transferred in the name of the complainant, but the present petitioner in connivance with his son (accused Sharanjit Singh), willfully and intentionally did not facilitate such transfer.

I have heard the learned counsel for the parties.

The petitioner has been in custody since the date of his arrest i.e. 21.8.2019. The challan under Section 173 has also been presented before the Court concerned. The petitioner is not required for any further custodial interrogation. In the said fact situation, no useful purpose would be served by retaining the petitioner behind the bars.

In view of the above, without expressing any opinion on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is granted the concession of regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

(HARNARESH SINGH GILL)
JUDGE

28.01.2020
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No