

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

Sr. No.207

CRM-M-6708-2021

Date of decision: 08.03.2021

Shamsher Singh and another

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.07 dated 16.01.2021 registered under Sections 364-A, 34, at Police Station Phase I, SAS Nagar, Mohali.

Briefly stated, the case of the prosecution is that on 15.01.2021, the complainant and his friend Ujjwal Sood were present at the complainant's shop; at about 4.00 P.M., two persons in uniform and one person in civil dress, who were wearing masks, entered the complainant's shop and after showing their I-Cards stated that they were officers of the Special Task Force; they disclosed that they had information that the complainant was indulging in illegal activity of betting; the three persons asked the complainant to sit with them in a white coloured Scorpio Car which is standing outside; in the said car there already were two other persons; these five persons then told the complainant that if he wanted

anticipatory bail then he should give them Rs.5 lakhs upon which the complainant called his mother and asked her to arrange the money; the complainant's brother Yogesh and his friend arranged the money; the accused then asked Ujjwal Sood to get the money and thereafter on getting an opportunity the complainant jumped out of the car and escaped.

In the light of the above allegations a formal FIR was registered by the police and during the course of investigation, on 23.01.2021, the complainant got recorded his supplementary statement in which he named petitioner No.2 – Hardeep Singh, co-accused Rajvir Singh and co-accused Amandeep Singh Deol to be the persons who entered his shop and further named Dominic Sahota and Mukhtiar Singh to be the two persons sitting in the Scorpio car outside. He further stated that there was another Duster car in which there were more persons sitting but he does not remember their names. On 24.01.2021, the car in question bearing registration No.PB-03-AY-0151 was located. Amandeep Singh Deol was found to be driving the said car and he was apprehended. From his person one .32 bore pistol alongwith five live catridges were recovered. On being interrogated Amandeep Singh Deol disclosed that Yodhveer Singh @ Yodha, Govinder Singh, Mukhtiar Singh @ Peter Sahota @ Pamma, Rajvir Singh, Dominic Sahota, Hardeep Singh (petitioner No.2) and Shamsher Singh (petitioner No.1) were also involved in the kidnapping of the complainant. Raids conducted by the police led to the arrest of Yodhveer Singh @ Yodha, Dominic Sahota, Rajvir Singh, Mukhtiar Singh @ Peter Sahota @ Pamma and Govinder Singh and in the course of their interrogation they disclosed that Amandeep Singh Deol, Hardeep Singh (petitioner No.2) and Rajvir Singh were the persons who entered the shop of the complainant whereas

Shamsher Singh (Petitioner No.1), Dominic Sahota and Mukhtiar Singh @ Peter Sahota @ Pamma were the ones who remained standing outside the complainant's shop. Another .32 mm pistol (without a magazine) and one local made pistol (without any live cartridge) were also recovered from Dominic Sahota.

Rajvir Singh's interrogation led to the recovery of one 32 bore revolver with 14 live cartridges as also a car bearing registration No.PB-02-DN-4646 which was allegedly used by him to commit crimes.

A perusal of the personal laptop of Amandeep Singh Deol revealed as to how editing of fake FIRs was being done by the petitioners and their co-accused to extort money. Fake I-Cards of Assistant Commandants of Police, Special Defence Personnel, Intelligence Agencies, Anti Crime Cell and Special Intelligence Agency were also recovered.

Learned counsel for the petitioners contends that both the petitioners are not named in the FIR; their names have surfaced after 08 days of the lodging of the FIR; even in his supplementary statement though the complainant has named petitioner No.2 – Hardeep Singh as one of the persons who entered his shop to kidnap him but he nowhere named petitioner No.1 – Shamsher Singh and that both the petitioners have been nominated as accused only on the alleged disclosure statement of a co-accused in police custody which is not admissible in evidence under Section 25 of the Indian Evidence Act, 1872.

A perusal of the FIR in question reveals that three persons entered the complainant's shop and after disclosing their identities as officers of the Special Task Force told him that the police had found that he was indulging in the illegal activity of betting. These three persons then

took the complainant to a car standing outside in which two more persons were sitting. There was another Duster car as well. Thereafter the complainant was told that in case he wanted anticipatory bail he should part with Rs.5 lakhs. The money was arranged by the complainant but before the same could be given to the accused persons, the complainant managed to escape.

In a supplementary statement the complainant specifically named petitioner No.2 - Hardeep Singh to be one of the three persons who had entered his shop and had projected himself to be an officer of the Special Task Force. The complainant further named Amandeep Singh Deol and Rajvir Singh to be the other two persons who had entered his shop.

Arrest of Amandeep Singh Deol led to the recovery of one .32 bore pistol alongwith five live cartridges. His interrogation revealed that members of his gang included both the petitioners namely Shamsheer Singh and Hardeep Singh. Rather, Amandeep Singh Deol specifically disclosed that both the petitioners actively participated in the kidnapping of the complainant. Search of his laptop revealed the mode and manner in which Amandeep Singh Deol and his co-accused were fabricating fake I-Cards of police personnel, members of the defence forces as also officers of the intelligence agencies to use them for extortion.

Co-accused Rajvir Singh's arrest led to the recovery of one .32 bore revolver with 14 live cartridges as also a car which was used by the petitioners and their co-accused to commit offences.

Co-accused Dominic Sahota's arrest also led to the recovery of one .32 bore pistol as also one country made pistol.

The allegations against the petitioners are that they are part of

an armed gang who on the strength of fake I-Cards of police personnel, intelligence agencies as also members of the defence forces are extorting money from innocent persons.

In the light of the above serious allegations against the petitioners, no ground is made out for them to be granted the concession of anticipatory bail. Their custodial interrogation is considered necessary for finding out, amongst other things, the modus operandi being adopted by the petitioners to commit the crimes they are accused of as also to find out who else is involved.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

March 08, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No