

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

CRM-M-8730 of 2021 (O&M)
DATE OF DECISION :- August 06, 2021

Manoj Kumar **...Petitioner**

Versus

State of Punjab **...Respondent**

CRM-M-13169 of 2021 (O&M)

Sahil Jaura **...Petitioner**

Versus

State of Punjab **...Respondent**

CRM-M-9768 of 2021 (O&M)

Jaspal Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

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

Present:- Mr. Amit Kumar Walia, Advocate for the petitioner.
in CRM-M-8730 of 2021 and CRM-M-13169 of 2021.

Mr. Aminder Singh, Advocate for the petitioner.
in CRM-M-9768 of 2021.

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

CRM Nos. 12578, 12740 and 15590 of 2021.

The case has been taken up through Video Conferencing.

The applications have been filed for addition of offences under Sections 170, 201, 411 IPC and Section 30 of the Arms Act in the main petition.

Heard. Allowed.

The Registry is directed to make the necessary addition.

**CRM-M Nos. 8730 of 2021, 13169 of 2021
and 9768 of 2021.**

My this order shall dispose of three petitions for grant of regular bail bearing CRM-M-8730 of 2021 filed by Manoj Kumar, CRM-M-13169 of 2021 filed by Sahil Jaura and CRM-M-9768 of 2021 filed by Jaspal Singh, all of them being accused in F.I.R. No. 291 dated 16.10.2020 for offences under Sections 420, 171 IPC and Sections 395, 483, 342, 120-B, 419, 465, 467, 468, 471, 170, 201, 411, 120-B IPC and Sections 25/27/30 of the Arms Act added later on registered with Police station Bhawanigarh, District, Sangrur.

Briefly stated, the facts of the case as per the prosecution story are that on 16.10.2020 at about 6:00 a.m., 6-7 persons with muffled faces claiming themselves to be Government officials from Income Tax Department had gone to the house of complainant Krishan Kumar Kohli, a resident of Dhodian Patti, Bhawanigarh, District Sangrur allegedly for the purpose of conducting a search; out of them, three persons were in police uniform, whereas remaining were in plain clothes; they put the complainant to restraint and showed a letter to the complainant allegedly authorizing them to conduct search of his house; those persons had taken away gold and

silver ornaments as well as cash amount; the complainant was directed to come at Petrol Pump of his son Diwaker Singh along with ledger-book at 10:00 a.m.; the complainant accordingly went there but none out of those persons turned up at that place; the complainant nursed a doubt regarding the genuineness of the raid, as such he reported the matter to the police. On 19.10.2020 SI Amrik Singh received a secret information that persons, who had committed dacoity at the house of the complainant alleging themselves to be officials of Income Tax Department were in fact Sewa Ram son of Shingara Ram, resident of Bajigar Basti Badbar, at present Rampura Thelsan Road, Sangrur, Baldev Singh alias Soni son of Bhup Singh, resident of near bus stand, Himatpura, Basti Badbar, Jaspal Singh son of Amar Singh, resident of Atalan, P.S. Ghagga, Mandeep Singh son of Parshotam Singh, resident of Ghagga, Deep Singh, resident of Hotipur, at present near Taxi Stand, Patran and Sahil Sharma, resident of Sunam. A secret information was also received to the effect that the entire operation had been planned by Purshotam Singh, resident of Ghagga(present petitioner), Manoj Kumar alias Bittu sonof Hari Chand, resident of Joginder Nagar, Bhawanigarh and Harjinder Singh @ Rajinder Singh, resident of Talwandi Malak along with the culprits aforesaid, who had gone to the house of the complainant for conducting the alleged raid. On receipt of such information, the police party put up a picket near military area road at a some distance ahead from village Roshanwala and seized Innova car bearing No.CH-01-BW-6633 used in the commission of crime. Sewa Ram, Baldev Singh, Jaspal Singh and Manoj Kumar alias Bittu were arrested in this case. A .32 bore revolver bearing No.M-6137 along with 22 live cartridges of the same bore were recovered from the possession of Sewa

Ram, whereas gold ornaments, idols of Ganesh Ji, Lakshmi Ji and Radha Krishan Ji etc. weighing 6 kgs., currency notes of Rs.3,80,000/-, a fake number plate bearing No.CH-01-6633 were recovered from Innova car. Such culprits were interrogated leading to further recovery of valuable articles taken away from the house of the complainant during the dacoity.

Petitioners Manoj Kumar and Jaspal Singh were arrested on 20.10.2020 and Sahil Jora on 23.10.2020. On completion of investigation, the challan against the accused is said to have filed on 11.1.2021 and for the purpose of framing of charge, the next date of hearing fixed is 13.8.2021. The recovery effected from the petitioners as mentioned in the written reply filed on behalf of the State is as follows :-

Jaspal Singh	Currency notes of Rs.50,000/-
Sahil Jora	One CPU, one LED along with two cable wires, one printer with two cable wires, 5 fake identity cards, one fake notice of Department of Income tax, fake search warrant and currency notes of Rs.80,000/- on 23.10.2020.

The details of joint recovery of golden and silver articles and one vehicle Innova, at which, number plate CH-01-BW-6633 was affixed from accused Sewa Ram, Baldev Singh @ Sunny, Jaspal Singh and Manoj Kumar (present petitioners) on 20.10.2020 is given as under :-

272 gm gold jewelry	4 bangles, 1 diamond chain, 1 chain (on which white diamond is fixed), <i>1 chain, ring and Topus (purple crystal is fixed), one Tikki set with Topus (in which red crystal is fixed), one ring (Radha is written), one ring of red crystal, one thin chain, one thin chain Machina Wali, two pairs of Topus, one pair Kante, one pair small Ballian, one thin nose pin, 7 thin nose Koka, 11 pieces of small gold button, one this piece of gold.</i>
6 Kg silver	Two silver Chhatar, one idol of Ganesh, one idol of Lakshmi, one idol of Radha Krishan, four Khadawan, one small Hut, one big Hut, five spoon, six small Caulies, one small Cauli, one big Cauli, one Caula, six big Flute, two small flute, 15 glass (small-big), one Pichkari, two Jyoti, 17 rings, one small Trishul, two small Snakes, one small Butti, six Panjeban/Kare.
One Innova Car	At which number plate CH-01-BW663 affixed.

Learned counsel for the petitioners have contended that recovery has already been effected in this case; the petitioners do not have any past criminal record; though challan has been filed against them but conclusion of trial is likely to take a considerable time; co-accused of the petitioners namely Harjjinder Singh has been granted anticipatory bail whereas Baldev Singh @ Soni has been granted regular bail by this Court vide order dated 18.2.2021 (Annexure P2). Though learned State counsel has opposed the request for grant of regular bail to the petitioners but he has admitted that petitioners are not involved in any other criminal case and that the challan has been filed against the accused but trial is yet to begin.

Resultantly, considering facts and circumstances of the case in light of submissions made by learned counsel for the petitioners and learned State counsel, the petitions are allowed and petitioners Manoj Kumar, Sahil Jaura and Jaspal Singh are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Sangrur subject to the following conditions :-

- (i) they shall appear in the Court on each and every date of hearing.
- (ii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iii) they shall not leave India without prior permission of the Court and shall surrender their Passports, if they have got one, otherwise to furnish affidavits in that regard.
- (iv) they shall not indulge in any criminal activity.
- (v) they shall get their presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on their movements and they are deterred from indulging in any criminal activity.

In case the petitioners violate any term and condition on

(H.S. MADAAN)
JUDGE

Yes/No