

CRM-M-24425-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-24425-2021 (O&M).
Decided on: July 19, 2021.**

Manjit Singh @ Gabbar

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vikas Gupta, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Jasvir Singh Dhaliwal, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J.

Status report by way of affidavit of Mr.Rajbir Singh, PPS, Deputy Superintendent of Police, Sub Division, Valtola, Camp at Bhikhiwind, District Tarn Taran, has been filed through email since the matter is being taken up through video conference. A print out of the same is directed to be taken on record.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail in FIR No.42

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dated 1.6.2021, under Sections 447, 379 and 120-B IPC, and 25/27 of the Arms Act, registered at Police Station Valtoha, District Tarn Taran.

As per the allegations contained in the FIR SHO, Police Station, Valtoha, who was patrolling in search of bad elements received a secret information that on 27.5.2021 murder of two young persons with the name of Aman Fauji had taken place in city Patti in which name of a gangster Preet Sekhon had been revealed and in this regard, he came to know that Sukhwinder Singh commission agent son of Balwant Singh who had fled away somewhere after committing fraud with number of persons of crores of rupees has mortgaged his land situated in village Lakhna in favour of Rasal Singh son of Jaswant Singh resident of Rajoke etc. in which wheat crop was sown and on this land Rajwinder Singh alias Raj resident of Talwandi Mohar Singh, Manjit Singh alias Gabbar resident of Sankatra, Mohan Singh resident of Kalia etc. by calling and with the help of Preet Sekhon gangster (who had committed murder of Aman Fauji) and his companion gangster persons of around 45-50 in number with the help of illegal weapons had forcibly taken possession of the land of Sukhwinder Singh commission agent in which wheat crop was sown on 10th February 2021. On 4.4.2021, the aforesaid accused persons with the help of combine stole the wheat and further sold it.

Learned counsel for the petitioner has submitted that in fact the aforesaid Sukhwinder Singh who was absconding due to some reasons had made an agreement to sell the land to the petitioner and thereafter, the petitioner had also filed a civil suit for specific performance

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against Sukhwinder Singh and some other persons who were mortgagees of Sukhwinder Singh and therefore, no offence was committed by the petitioner. He has referred to Annexure P-5 which is the written statement filed by Rasal Singh and others in which it was stated that they are in possession of the suit property as mortgagees. While relying upon the aforesaid written statement which was filed on 3.3.2021, the learned counsel for the petitioner has submitted that once Rasal Singh and others have stated that they were in possession of the land then as per the FIR the alleged incident which took place on 10.2.2021 cannot be believed. He, therefore, has prayed for the grant of anticipatory bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab, has opposed the grant of anticipatory bail to the petitioner. He, while referring to the affidavit filed by the State, has submitted that the present FIR was registered against the present petitioner namely Manjit Singh, Rajwinder Singh and Mohan Singh, Preet Sekhon (who is hard-core A class gangster and is wanted by the Punjab Police in many criminal cases) and 45-50 unidentified persons on the basis of secret information which was given to Sub Inspector Balwinder Singh of Police Station, Valtaha, District Tarn Taran, in which secret informer had stated that on 27.5.2021 murder of two young persons whose name is Aman Fauji and one another younger had taken place in City Patti in which name of Preet Sekhon gangster had been revealed and in this regard SHO came to know that Sukhwinder Singh who had fled away somewhere after committing fraud of crores of rupees in connivance with number of persons,

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has mortgaged his land situated in village Lakhna in favour of Rasal Singh and other persons. However, the petitioner – Manjit Singh @ Gabbar, Rajwinder Singh @ Raj and Mohan Singh resident of Sakatra and one another Mohan Singh etc. had taken the help of Preet Sekhon, gangster who had committed the murder of Aman Fauji, and his companion gangsters of around 45-50 in number with the help of illegal weapons had forcibly taken possession of the land of Sukhwinder Singh on which wheat crop was sown on 10.2.2021 and on 4.4.2021, the aforesaid accused persons with the help of combine have cut the same and stole it and further sold the same. He has further submitted that after registration of the FIR the investigation was carried out and during the course of investigation, Rajwinder Singh @ Raj was arrested on 15.6.2021 after obtaining his production warrants and during formal interrogation, he got recorded his disclosure statement to the effect that he along with present petitioner and others have executed agreement to sell in their respective favour from Sukhwinder Singh son of Balwant Singh and Kuldeep Singh son of Balwant Singh, both resident of village Lakhna and thereafter, in order to take the forcible possession of the land entered into said land and committed theft of fully grown wheat crop at the gun point.

Learned State counsel, while referring to para 5 of the affidavit filed by the State, has submitted that photographs and video clips were taken into police possession by the investigating officer and during investigation it was also revealed that the present petitioner and other co-accused fully armed with deadly weapons were stationed at the land and the

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present petitioner is an active member of Preet Sekhon gangster group who is yet to be arrested in this case. He has further submitted that during the course of investigation gangster Malkit Singh @ Ladu and 12 other accused persons have been nominated in this case vide DDR No.18 dated 16.6.2021 and thereafter, aforesaid Malkit Singh @ Ladu and Manpreet Singh @ Manna were arrested and during the course of investigation and as per disclosure statement, 7 more accused persons have been nominated in the present case.

Learned State counsel has submitted that the petitioner had committed a heinous crime and the weapons, ammunition and agreements to sell, i-20 Car and tractor trollies are yet to be recovered from the possession of the petitioner and further the names of other accomplices are yet to be ascertained and all of them are yet to be arrested. He has further referred to para 10 of the affidavit to submit that the present petitioner and other co-accused are having criminal antecedents and the present case is under investigation and there is every possibility that after grant of anticipatory bail by this Court, he can tamper with the prosecution evidence and further can give threats to Sukhwinder Singh, Rasal Singh and other witnesses.

Learned State counsel has further submitted that the petitioner has concealed material facts from this Court. He has referred to para 20 of the petition where the petitioner had stated that the petitioner is allegedly the first offender and is not involved in any other case except the present FIR and the petition is also supported by the affidavit of the

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petitioner in which it is stated that the petitioner is fully conversant with the facts of the case and is competent to file the affidavit and the affidavit is duly verified and attested by the Notary.

Learned State counsel, while referring to para 8 of the affidavit has stated that in fact, the petitioner is involved in three other cases which are reproduced as under:-

1. FIR No.113 dated 14.8.2020 under Section 188, 269 IPC PS Valtoha, District Tarn Taran, which is still under investigation.
2. FIR No.79/2019 dated 30.8.2019 under Sections 420, 467, 468, 471 and 120-B IPC PS Valtoha and
3. FIR No.29/2004 dated 12.6.2004 under Sections 336/34 IPC, Section 25/27/54/59 of Arms Act, PS Khem Karan, District Tarn Taran.

Learned counsel for the complainant has also addressed the arguments on the line of learned State counsel and has opposed the grant of concession of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

In the present case, the allegations against the petitioner are that he along with Preet Sekhon (alleged to be a gangster) and along with 45-50 people had forcibly cut the wheat crop sown in the land belonging to one Sukhwinder Singh which was otherwise mortgaged to one Rasal Singh on the basis of some agreement to sell with Sukhwinder Singh.

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As per the affidavit filed by the State, the photographs and video clips have been taken into possession by the investigating officer and during investigation, it has been revealed that the present petitioner along with other co-accused armed with deadly weapons were stationed at the land. It has been further stated in the affidavit that the present petitioner is an active member of Preet Sekhon gangster group who is yet to be arrested in this case. It is the specific case of the State that heavy arms and ammunition was used along with 45-50 people for cutting the wheat crop from the land of Sukhwinder Singh and petitioner was present on the spot. As per the prosecution, the persons involved in the aforesaid activity were gangsters and some of them are known gangsters and are wanted in other cases also. Furthermore, it is a categorical stand of the State that recovery of arms and ammunition is yet to be made and that name of other persons are also yet to be ascertained and their identification is also yet to be made and in case the petitioner is granted bail then there is every likelihood that he may flee from justice and may tamper with the evidence. All these factors are extremely relevant for the consideration of grant of anticipatory bail to the petitioner. Although freedom of an individual is an important right vested in a person but a balance has to be struck between the freedom and various other factors like seriousness and gravity of the offence, the possibility of the petitioner to flee from justice and tamper with the evidence or hampering the investigation or influencing the witnesses and magnitude of the offence involved etc. The need for custodial investigation to elicit the truth is also an important factor.

Considering the totality of the circumstances of the present case, this Court is of the view that the petitioner is not entitled for the grant of concession of anticipatory bail and the apprehensions expressed by the State that he may flee from justice and may tamper with the evidence and influence witnesses are not ill-founded and cannot be disbelieved. The gravity and magnitude of the matter is so high that custodial interrogation would be necessary considering the facts of the case in totality. Furthermore, the petitioner has also concealed material facts from this Court and has not disclosed about the pendency of other FIRs against him. Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

July 19, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No