

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

CRM-M-37918-2021

Date of Decision: 22.09.2021

Taranjeet Singh alias Bawa

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R.S. Cheema Sr. Advocate with
Mr. Arshdeep Cheema, Advocate and
Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. S.S. Narula, Special Public Prosecutor
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 Cr.P.C. is filed seeking directions to Director General of Police, Punjab and Chief Director, Vigilance Bureau, Punjab that the petitioner be served with a written notice in case he is required in FIR No. 13 dated 02.08.2021 other than in capacity of a witness.

2. For adjudication of the present petition, it would be necessary to have a brief look on two FIRs and the way events took place in the proceedings of these FIRs. FIR No. 11 was registered on the allegation that WWICS Estate Private Ltd. (for short, 'the Company') entered into various illegal transactions and obtained licences by paying bribe. During investigation of FIR No. 11, the case set up was that Surinderjit Singh Jaspal, father of Nimratdeep Singh had purchased a house in Sector 20, Chandigarh from the money received as illegal gratification by his son. The house in question was proceeded for attachment, during the proceedings, an agreement to sell of Surinderjit Singh Jaspal with Sumedh

Singh Saini was produced before the investigating agency. There were allegations that the agreement to sell was forged which resulted in nomination of Sumedh Singh Saini as accused in FIR No. 11.

3. Sumedh Singh Saini was granted interim bail by this Court in FIR No. 11 subject to joining investigation. During compliance of the directions of this Court on his joining investigation, he was detained in FIR No. 13. His wife filed a *Habeas Corpus* petition. This Court vide order dated 19.8.2021 held arrest of Sumedh Singh Saini as illegal and ordered his release.

4. Thereafter, in CRM-M-45242 of 2018 filed by Sumedh Singh Saini, following order was passed on 10.09.2021:

“After hearing the learned counsel for the parties, I find merit in the submissions made by learned senior counsel for the petitioner that involvement of the petitioner in multiple cases can be a political ploy in wake of the coming State Legislative Assembly General Elections. I am also conspicuous of the dare shown by the Punjab Police officials in trying to overreach the Court as noticed above which is also a circumstance to be considered about the nature and quality of investigation being conducted by the Punjab Police in the FIRs, therefore, I deem it appropriate to pass the following directions:-

(a) Considering it to be a case of exceptional circumstances and hardship being caused to the petitioner by the State of Punjab (on political grounds), there will be a clear stay for the arrest of the petitioner in all cases pending or likely to be registered or registered or where he is sought to be implicated in the aid of Section 120-B IPC except FIR No.77, where the matter is pending before the Hon'ble Supreme Court, till the General Election in the State of Punjab are held which are due in February, 2022 onwards.

The orders dated 11.10.2018 as well as dated

23.09.2020, to continue.

(b) There will be a clear stay for conducting further investigation in all the FIRs pending against the petitioner as the attempts are made to arrest him in the aid of Section 120-B IPC as even in the previous FIRs where such attempts are made and the petitioner had to file repeated petitions before this Court.

(c) There will be a clear stay of conducting or pursuing any other investigation including by any commission appointed by the State of Punjab till February, 2022.

(d) The personal appearance of the petitioner before any Court where any trial is pending shall also remain exempted till February, 2022 on moving an appropriate application under Section 205 Cr.P.C., before the said Court.

(e) The petitioner will not leave the country without the prior permission of this Court till February, 2022.”

5. It would be appropriate to note at this stage that Mohit Puri and Surinderjit Singh Jaspal got interim bail in the FIRs, where they were nominated as accused. On their apprehension of getting the same treatment as in case of Sumedh Singh Saini, on filing of petitions, this court granted similar relief as prayed for in this petition.

6. Learned senior counsel appearing for the petitioner submits that the petitioner was nominated as an accused in FIR No. 11 dated 17.09.2020 and has been granted interim bail by this Court subject to joining investigation. The contention is that the petitioner is not able to join the investigation as he apprehends detention in FIR No. 13 dated 02.08.2021.

7. The contention is that apprehension of the petitioner is not baseless. Sumedh Singh Saini (accused in FIR No. 11) was detained in other FIR inspite of interim bail having been granted by this Court. The

argument is that there are allegations of political vendata raised by some of the accused in these FIR.

8. Learned counsel for the State raises an objection to the maintainability of the present petition. He submits that this is a second petition, earlier petition was withdrawn with liberty to revive the prayer at a later stage. In fact, without waiting the present petition was drafted on the next day of the withdrawal of the earlier petition and filed thereafter.

9. The contention is that this Court under Section 482 Cr.P.C. may not pass blanket protection order. He relies upon Ms. Niharika v. State of Maharashtra and others, AIR 2021 SC 1918. On instructions, learned counsel for the State fairly submits that as on date, the petitioner is not nominated as an accused in FIR No. 13.

10. The objection raised by learned counsel for the State vis-a-vis maintainability of the present petition is bereft of merit. CRM-M-36485 of 2021 filed was not decided on merits. The prayer in the present petition is limited that notice be served if petitioner is to be detained in FIR No. 13.

11. There is no quarrel with the proposition that the Court while exercising powers under Section 482 Cr.P.C. exercises restraint for issuing blanket protection order. At the same time, the Apex Court as well as this Court have issued direction that in case the facts of the case so warrant that the notice be given before arrest.

12. Reliance of learned counsel for the State on the decision of Ms.Niharika's case (supra) does not enhance the case of the State. It was held by the Supreme Court that blanket orders like 'no coercive steps be taken against the accused' or 'stay on arrest' in quashing proceedings are not justified and reasons must be disclosed for passing *ad interim*

directions showing application of mind.

13. The case set up against the petitioner in FIR No. 11 is that he played an active role for the Company to get licences in an illegal manner. However, the contention of the petitioner is that he was merely a property dealer and the payments received from the Company were later in time i.e. after grant of licences to it.

14. At the first blush, it appears that FIR No. 11 and FIR No. 13 are on different facts as in FIR No. 13, the investigation is about amassing of disproportionate assets to known source of income of Nimratdeep Singh. It cannot be lost sight at this stage that the way things have turned up during investigation of these FIRs, the apprehension of the petitioner *prima facie* cannot be said to be baseless. Instead of going into technicalities and relegating the petitioner to remedy for anticipatory bail, considering the fact that till date the petitioner has not been nominated in FIR No. 13, this petition is disposed of with a direction that in case the petitioner is to be arrested in FIR No. 13, he would be served with seven days' clear advance notice.

(AVNEESH JHINGAN)
JUDGE

22.09.2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No