

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

**CRWP-10411-2020
Date of Decision : 05.01.2021**

Bakhshish Singh Petitioner
Versus

State of Punjab Respondent

**CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Through Post.

Present: None for petitioner.

Mr. Randhir Thind, DAG, Punjab.

ASHOK KUMAR VERMA, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of Pandemic COVID-19.

Two complaints made by petitioner Bakhshish Singh have been received in the Secretariat of Hon'ble the Chief Justice, alleging therein that his son Chand Singh has been occupied by Tarn Taran police in some cases with an intention to put pressure on them for the arrest of his son Chan Singh alias Chand Singh arrested his other son Sarwan Singh on 30.11.2020 and he is in illegal custody. The aforesaid complaint has been treated as criminal writ petition vide order dated 09.12.2020.

Pursuant to notice of motion issued by this Court, reply by way of affidavit of Sucha Singh, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran on behalf of respondent-State has been filed.

In the said reply, there is reference of one FIR No.296 dated 28.11.2020 under Section 379-B/506 of the IPC and Sections 25/27 of the Arms Act (offence under Section 411 of the IPC has been added lateron).

The said FIR has been registered at Police Station City Tarn Taran against Sonu, Kala and six other unknown persons on the statement made by complainant-Raju. In the aforesaid FIR, it has been alleged that the aforesaid accused persons namely Sonu, Kala as well as six unknown persons have snatched his truck bearing registration No.PB05-R-9325 loaded with 1121 bags of rice. In the said FIR, the owner of the said truck namely Rahul Bajaj son of Satish Kumar got recorded his statement before the Investigating officer. Jujhar Singh alias Jaj son of Amrik Singh has been nominated as co-accused in the said case on the basis of the statement made by abovesaid Satish Kumar and in this regard DDR No.39 dated 02.12.2020 has also been incorporated. On 05.12.2020, co-accused Jujhar Singh has been apprehended in the said case and the police got recovered canter bearing registration No.HR-55-R-3757 as well as 350 bags of rice and he also voluntarily suffered his disclosure statement before the Investigating Officer to the effect that on 27.11.2020, co-accused Jujhar Singh alongwith Malak Singh son of Kala Singh, Jagga Masih, Chan Singh son of Bakhshish Singh i.e. the son of the petitioner have snatched the abovesaid truck loaded with bags of rice. On the basis of aforesaid disclosure statement, the aforesaid Malak Singh, Jagga Masih, Chan Singh, who is the son of the petitioner, have been made as co-accused in the abovesaid case vide DDR No.56 dated 05.12.2020.

It has been further stated that during investigation said accused Malak Singh has been arrested by the police on 07.12.2020 and 10 bags of rice have been recovered. Accused Jugraj Singh alias Jagga was arrested by the police on 13.12.2020 and suffered a disclosure statement that he alongwith some other accused persons including Chan Singh, son of the

petitioner, has snatched the abovesaid truck loaded with bags of rice. On the basis of said disclosure statement, one Gurpreet Singh alias Gopi alongwith some other accused persons has been nominated in the said case vide DDR No.35 dated 13.12.2020. Thereafter, the said accused Gurpreet Singh alias Gopi has been arrested on 14.12.2020 and 20 bags of rice were recovered from him and he suffered a disclosure statement to the effect that he had sold 40 bags of rice to the petitioner and his son Sarwan Singh, the alleged detainee. On the basis of said disclosure statement, the petitioner and his son Sarwan Singh have been nominated as co-accused in the said case vide DDR N.27 dated 20.12.2020. It has been stated that son of the petitioner namely Sarwan Singh has not been illegally detained nor confined by the local police on 30.11.2020. However, regular raids are being conducted by the police in order to apprehend the petitioner as also remaining accused persons. It has further been stated in the reply that the letter sent by the petitioner is nothing but an attempt to shield himself and his sons i.e. alleged detainee Sarwan Singh and Chan Singh alias Chand Singh. The petitioner and his sons Sarwan Singh and Chan Singh alias Chand Singh are required in the aforesaid criminal case. It seems that the present petition has been filed just to pressurize the police and evade the process of law which is not permissible.

For the aforesaid reasons, I find no merit in this petition and the same is hereby dismissed. The police shall be at liberty to proceed further in the matter in accordance with law.

05.01.2021
mamta

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No