

**CRM-M-44361-2020;
CRM-M-41318-2020; and
CRM-M-42171-2020**

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

1. CRM-M-44361-2020

Harjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-41318-2020

Baldev Singh @ Soni

..... Petitioner

Versus

State of Punjab

..... Respondent

3. CRM-M-42171-2020

Sewa Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision :18.2.2021

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

Present : Mr.Shubham Gupta, Advocate
for the petitioner in **CRM-M-44361-2020.**

Mr.H.S. Bhullar, Advocate
for the petitioner(s) in **CRM-M-41318-2020**
and **CRM-M-42171-2020.**

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-:2:-

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

Mr.Keshav Pratap Singh, Advocate
for the complainant.

H.S. MADAAN, J.

Cases taken up through video conferencing.

**CRM-4365-2021 IN
CRM-M-41318-2020 and
CRM-4351-2021 IN
CRM-M-42171-2020**

For the reasons mentioned in the applications, the same are allowed and Sections 170, 411 IPC and Section 30 of Arms Act are ordered to be added in the main petitions.

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Vide this order, I shall dispose of three petitions, one for grant of pre-arrest bail i.e. **CRM-M-44361-2020** filed by petitioner Harjinder Singh and other two petitions for regular bail i.e. **CRM-M-41318-2020** filed by petitioner Baldev Singh @ Soni and **CRM-M-42171-2020** filed by petitioner Sewa Ram, all of them being accused in FIR No.291 dated 16.10.2020, under Sections 420, 171 IPC later on added Sections 395, 483, 342, 419, 465, 467, 468, 471, 201, 120-B IPC read with Section 25 and 27 of Arms Act, 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 of 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.

After being nominated in this case, apprehending his arrest in this case, the petitioner Harjinder Singh had approached the Court of Sessions seeking grant of pre-arrest bail by filing application, which was assigned to Additional Sessions Judge, Sangrur. However, his such request was declined by learned Additional Sessions Judge, Sangrur inasmuch his such application was dismissed vide order 16.12.2020. As such, the petitioner Harjinder Singh has approached this Court asking for similar relief, which request is being opposed by learned State counsel and counsel appearing for the complainant.

In terms of order dated 5.1.2021, petitioner Harjinder Singh has

been released on interim bail by the police.

Learned State counsel on instructions from ASI Balwinder Singh has stated that in view of the fact that petitioner Harjinder Singh has joined the investigation and no recovery is to be effected from, his custodial interrogation is not required. Furthermore, petitioner Harjinder Singh is not named in the FIR and his name had cropped up in the statement of co-accused Sewa Ram. The allegations against him being that he was part of conspiracy to commit the crime. It is not the case of the prosecution that he had actually taken part in the incident.

Therefore, the **CRM-M-44361-2020** filed by petitioner Harjinder Singh calls for acceptance. The interim bail granted to the him on 5.1.2021 is made absolute, subject to his fulfilling following conditions:

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the previous permission of the Court; and
- (iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport, then shall file the affidavit in that regard.

In case the petitioner Harjinder Singh violate any term and

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condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail to him.

Thus, **CRM-M-44361-2020** filed by petitioner Harjinder Singh is allowed accordingly.

Now coming to **CRM-M-41318-2020** filed by petitioner Baldev Singh @ Soni and **CRM-M-42171-2020** filed by petitioner Sewa Ram for grant of regular bail. They both were arrested on 20.10.2020. They had moved applications for grant of regular bail before the Court of Sessions at Sangrur. However, their such applications were dismissed vide separate orders dated 1.12.2020 passed by Additional Sessions Judge, Sangrur.

As regard petitioner/accused Baldev Singh @ Soni, no recovery is said to have been effected from him and no specific role has been assigned to him in the incident. As per the custody certificate filed by the State counsel, he is not shown to be involved in any other criminal case. The guilt of petitioner/accused Baldev Singh @ Soni shall be determined during the trial. Although challan in this case is said to have been filed but its conclusion is likely to take some time. As such, I find it proper and appropriate to grant benefit of regular bail to petitioner/accused Baldev Singh @ Soni.

Accordingly, **CRM-M-41318-2020** filed by petitioner/accused Baldev Singh @ Soni stands allowed. The petitioner namely **Baldev Singh @ Soni** is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of

the trial Court/Chief Judicial Magistrate, Sangrur, on following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by the Investigating Officer;
- (v) he shall not leave India without prior permission of the Court; and
- (vi) he shall get his 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 his movements and he is deterred from indulging in any criminal activity.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner **Baldev Singh @ Soni** does not abscond and interfere in the trial.

In case the petitioner **Baldev Singh @ Soni** violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

As far as **CRM-M-42171-2020** filed by petitioner Sewa Ram is concerned, he comes out to be the main culprit in the incident and after being arrested .32 bore revolver along with 22 live cartridges of the same

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bore besides huge quantity of gold/gold ornaments, currency notes and two air guns etc. out of the looted articles were recovered from him. As per the custody certificate filed by the State counsel, he is shown to be involved in two more criminal cases i.e. FIR No.73 dated 27.9.2019, under Sections 323, 341, 506, 148, 149, 295, 379-B, 427 IPC and 27 of Arms Act, Police Station Ghanaour, District Patiala and FIR No.91 dated 8.9.2020, under Sections 323, 379-379B, 427, 148, 149 and 120-B IPC, Police Station Ghanaour, District Patiala. That means he is a habitual criminal. The apprehension expressed by the State counsel that if he is released on regular bail, there are great chances of his absconding, in the process delaying the trial and tampering with the prosecution evidence by giving threat or inducement to the prosecution witnesses is to be taken with all the seriousness. Therefore, in my considered view no case for grant of regular bail to petitioner/accused Sewa Ram is made out.

Thus, **CRM-M-42171-2020** filed by petitioner/accused Sewa Ram, stands dismissed.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

18.2.2021
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**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**