

CRM-M-6611-2022 (O&M);
CRM-M-39786-2022 (O&M) and
CRM-M-41862-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6611-2022 (O&M)
Date of Decision: 09.11.2022

(I)
Hardial Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-39786-2022(O&M)

(II)
Manpreet Singh @ Manti

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-41862-2022(O&M)

(III)
Sunil Masih @ Sam

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner in CRM-M-6611-2022.

Mr. G.S. Madan, Advocate,
for the petitioner in CRM-M-39786-2022.

Mr. J.S. Dadwal, Advocate,
for the petitioner in CRM-M-41862-2022.

Mr. Kunal Vinayak, Assistant Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

All the three petitions are taken up together for final disposal since the prayer in all the three petitions pertain to the grant of regular bail and they arise out of the same FIR.

All the three petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No.39 dated 22.03.2021, under Sections 115, 120-B IPC, Sections 25/54/59 of Arms Act and Sections 17-18-18B and 20 of Unlawful Activities Prevention Act, 1967, registered at Police Station Mehtiana, District Hoshiarpur.

The present FIR was lodged on the basis of information received by the police party from CIA Headquarter, Hoshiarpur that one Baljit Singh @ Rinku,, Sukhdeep @ Nikka, Sajan Kumar and Paramjit @ Pamma who are residing in Canada and Sher Singh @ Shera who is now residing in foreign country and there were some other persons who were in their contact and they were in contact with each other through phones and they had activated the foreign numbers on their Signal App. Paramjit Singh @ Pamma and Sher Singh @ Shera are their master minds. Paramjit Singh @ Pamma came to village Sahari in the month of February and he talked with all these persons and had given information alongwith reiki to kill one Bhupinder Singh @ Pappu, resident of village Ajram, Police Station Mehtiana, District Hoshiarpur. Thereafter, Paramjit Singh @ Pamma gave Supari to Sher Singh @ Shera to kill Bhupinder Singh @ Pappu and Sher

Singh @ Shera incited to all those persons to kill Bhupinder Singh @ Pappu and Sher Singh @ Shera had arranged pistol and ammunitions. The aforesaid Sher Singh @ Shera had sent shooter Sajan Kumar from Muktsar to kill Bhupinder Singh @ Pappu and also kept him at various places. The aforesaid Sher Singh @ Shera had sent twice Rs. 10,000/- at Hoshiarpur through Western Union and Rs. 35,000/- was delivered in cash through Baljit Singh. They had been talking with each other on Signal App and description of the same is given in the FIR. Thereafter, Sajan Kumar (shooter) talked with Sher Singh @ Shera through Signal App and they with their intention and at the instance of Sher Singh @ Shera went to Raj Mahal Palace, Tanda Road in a marriage ceremony on 20.03.2021 on a motorcycle but they could not kill Bhupinder Singh @ Pappu because police was present there. These persons were again roaming on the same motorcycle to kill aforesaid Bhupinder Singh @ Pappu and he can be killed at any point of time. The aforesaid Paramjit Singh @ Pamma has grudge against Bhupinder Singh @ Pappu.

Learned counsel appearing on behalf of petitioner-Hardial Singh in CRM-M-6611-2022 has submitted that the petitioner has been falsely implicated in the present case and he was not named in the FIR and it was only on the basis of the disclosure statement of a co-accused that he was nominated as an accused. He submitted that there is no direct allegation against the petitioner and he is in custody from 26.03.2021 which is more than 1 year and 7 months and has submitted that he was earlier involved in one case in FIR No.160 dated 05.10.2020, under Section 302 IPC and Sections 25, 27/54/59 of Arms Act but he has since been

acquitted/discharged on 07.08.2022. He further submitted that in view of the aforesaid position, he may be considered for the grant of regular bail. He also submitted that one other co-accused namely Dr. Rajinder Singh who is at parity with the petitioner has been granted regular bail by this Court in CRM-M-11205 of 2022 on 12.05.2022.

Learned counsel appearing on behalf of petitioner-Manpreet Singh @ Manti in CRM-M-39786-2022 has submitted that the petitioner has been falsely implicated in the present case and he has been nominated on the basis of the disclosure statement of a co-accused and he is not involved in any other case as per the custody certificate and he is in custody from 26.03.2021 which is more than 1 year and 7 months and therefore, he may be considered for the grant of regular bail.

Learned counsel appearing on behalf of petitioner-Sunil Masih @ Sam in CRM-M-41862-2022 has submitted that the petitioner has been falsely implicated in the present case and he has been nominated on the basis of disclosure statement of a co-accused which is not admissible in evidence and therefore, he may be considered for the grant of regular bail. He submitted that although the petitioner-Sunil Masih @ Sam is involved in two more cases under Section 379B IPC but he is already on bail in those two cases and the pendency of the other two cases cannot become a ground for denial of bail to the petitioner. He submitted that the petitioner is in custody from 28.03.2021 which is more than 1 year and 7 months and therefore, he may be considered for the grant of regular bail.

Learned counsels for the petitioners have also relied upon a judgment of the Hon'ble Supreme Court in ***Union of India Versus K.A***

Najeeb [2021(2) RCR(Criminal) 145].

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has vehemently opposed the grant of regular bail to all the three petitioners. He referred to respective replies filed by the Deputy Superintendent of Police, Sub Division, Hoshiarpur and Senior Superintendent of Police, District Hoshiarpur. While referring to the role of the aforesaid three petitioners, he submitted that it is a case where Paramjit Singh @ Pamma gave Supari to one Sher Singh @ Shera to kill Bhupinder Singh @ Pappu. Thereafter, Sher Singh @ Shera instigated his companions and provided them ammunitions for this purpose and also sent co-accused Sajjan Kumar (shooter) on 26/27.02.2021 to Hoshiarpur to kill Bhupinder Singh @ Pappu and also provided rented accommodation for him at different places. He had also sent money twice to him through one Baljit Singh. The communication inter-se between the accused was done by way of 'Signal App'. He submitted that during investigation the aforesaid accused Sajjan Kumar and Baljit Kumar were arrested on 22.03.2021 and they got recovered one countrymade pistol of 32 bore with 6 live cartridges and a motorcycle and Sajjan Kumar suffered confessional statement on 23.03.2021 that Bhupinder Singh @ Bhupi is his friend and about one month back, he received call from Bhupinder Singh @ Bhupi that Sher Singh @ Shera son of Gurdev Singh is his friend and he is living in abroad and he has to get done murder of some persons in District Hoshiarpur and Sajjan Kumar can accomplish this task and he will get money. Thereafter Sajjan Kumar reached Ludhiana Bus Stand at his instance and disclosed the location where Sher Singh @ Shera's man came to him and took him to washroom and

gave him one countrymade pistol 32 bore alongwith 7 live cartridges and Sajan Kumar kept the pistol and cartridges in his kit. He came to know the name of the aforesaid person later on as Sunil Masih @ Sam (Petitioner in CRM-M-41862-2022) who gave him pistol and cartridges. Thereafter at the instance of Sher Singh @ Shera, he reached counter No.8 at Bus Stand, Hoshiarpur where two persons met him and they inquired about Sajan Kumar that Sher Singh @ Shera has sent him and Sajan Kumar replied that Sher Singh @ Shera has sent him and they took him into an Alto car (silver colour) and they gave Sajan Kumar a room to live in Hoshiarpur and later on Sajan Kumar came to Sukhdeep Singh @ Nikka and Manpreet Singh @ Manti (Petitioner in CRM-M-39786-2022) and they took pistol and cartridges from him and gave Rs.10,000/- and left there. These aforesaid two persons also thereafter came to him after two days in Alto Car (silver colour) and they took round of the village Nasrula, Piala, Ajram and Kahri Sahri after getting him in the said car and they also showed him the house of Bhupinder Singh @ Pappu who was required to be killed. There is other co-accused namely Satnam Singh son of Gurbal Singh who is residing in France and is in contact with the aforesaid persons. For the purpose of killing the aforesaid Bhupinder Singh @ Pappu, reiki was done in the area and the place where the marriage function was to be attended by the aforesaid Bhupinder Singh @ Pappu but he could not be killed because police was already present at the function.

Learned State counsel further submitted that on the basis of confessional statements of aforesaid shooter Sajan Kumar and Baljit Singh @ Rinku, Manpreet Singh @ Manti (Petitioner in CRM-M-39786-2022) and

Sukhdeep Singh @ Nikka, apart from some other co-accused including Satnam Singh son of Gurpal Singh were nominated in this case. The aforesaid Manpreet Singh @ Manti (Petitioner in CRM-M-39786-2022) and Sukhdeep Singh @ Nikka were arrested on 26.03.2021 and he suffered confessional statement on 26.03.2021 that in the month of February, 2021, he was called up by the Hardial Singh (Petitioner in CRM-M-6611-2022) who was known to him and he told that he has some urgent work with him and asked to meet him. On this, he went to his house and said that Satnam Singh son of Gurpal Singh is his childhood friend and neighbour as well and Satnam Singh asked him that Bhupinder Singh @ Pappu son of Gurmit Singh is bad element who has caused huge loss to them and is also annoying them and they have sent two persons who were at present in France to kill the aforesaid person as well and they will also help monetarily and in every way. Satnam Singh is a very rich person and he will gave money beyond his thinking and will take him abroad also. The petitioner-Hardial Singh in CRM-M-6611-2022 talked to Satnam Singh and Satnam Singh also took his contact number and he used to talk with him on 'Signal App' and he sent him money as a Supari from abroad to kill Bhupinder Singh @ Pappu. He submitted that although on the basis of confessional statement of a co-accused, petitioner-Hardial Singh was arrested with the allegations of conspiracy that he used to receive funding from one Satnam Singh living abroad and petitioner-Hardial Singh has further engaged petitioner-Manpreet Singh @ Manti for the said purpose. He submitted that the allegations against all the petitioners are serious in nature because they formed a gang to kill Bhupinder Singh @ Pappu who

was earlier a police informer at the time of terrorism and there is every possibility that in case the petitioners are released on bail, they will not only try to interfere in the investigation but they will also abscond. He further referred to another affidavit filed by the SSP, Hoshiarpur wherein it has been submitted that Paramjit Singh @ Pamma, Satnam Singh, Bhupinder Singh @ Bhupi, Sukhdool Singh and Shamsheer Singh @ Sher Singh @ Shera have absconded and they have been declared as proclaimed offenders. He further submitted that considering the gravity and magnitude of the offence, the petitioners are not entitled for the grant of regular bail. He further submitted that so far as bail granted to co-accused Dr. Rajinder Singh is concerned, he is not at parity with any of the present three petitioners because there is no allegation of conspiracy against the aforesaid Dr. Rajinder Singh but the allegation against him was that the arms were supplied through him and therefore, the present petitioners are not at parity with the aforesaid Dr. Rajinder Singh.

I have heard the learned counsel for the parties.

The petitioner-Hardial Singh in CRM-M-6611-2022 is in custody from 26.03.2021, petitioner Manpreet Singh @ Manti in CRM-M-39786-2022 is in custody from 26.03.2021 and petitioner Sunil Masih @ Sam in CRM-M-41862-2022 is in custody from 28.03.2021 and the custody of all the three petitioners is less than 2 years. As per the affidavit filed by the Senior Superintendent of Police, District Hoshiarpur on 21.09.2022 it has been stated that the challan against some of the accused including the present three petitioners have already been filed and charges have been framed on 11.02.2022 and there are total 31 witnesses, out of which 3

witnesses have been examined. However, five of the other co-accused have already absconded and they have already been declared as proclaimed offenders. Although all the petitioners are stated to be nominated on the basis of disclosure statement of co-accused but the allegations against all the three petitioners are indeed serious and grave in nature. As per learned State counsel, all the petitioners alongwith other co-accused were contacted through 'Signal App' and they entered into a conspiracy. One of the petitioners had also contacted the other co-accused namely Satnam Singh who is now proclaimed offender for the purpose of receiving money from him. The allegations against all the petitioners are direct and serious. So far as the argument raised by the learned counsel for the petitioners that the present petitioners are at parity with the other co-accused namely Dr. Rajinder Singh who has been granted bail by this Court, the same is not sustainable. So far as the co-accused namely Dr. Rajinder Singh is concerned, a perusal of the bail order by which he was granted bail would show that as per the learned State counsel, the only role attributable to the aforesaid Dr. Rajinder Singh was on the basis of disclosure statement by the co-accused that the arms were supplied through him and the learned State counsel had also stated that the petitioner-Dr. Rajinder Singh is not involved in any other case and even as per the prosecution story, there was no allegation of conspiracy against him but the only allegation was that the arms were supplied through him. Even the State counsel in that case had stated that the petitioner-Dr. Rajinder Singh was not part of the 'Signal App'. However, in the case of the present three petitioners there are specific allegations of conspiracy against the present petitioners with regard to

contacting the other co-accused through Signal App, apart from other allegations as stated by the learned State counsel. Therefore, this Court is of the view that the present three petitioners are not at parity with the aforesaid Dr. Rajinder Singh.

So far as the reliance on the judgment of the Hon'ble Supreme Court in *Union of India Versus K.A Najeeb(Supra)* is concerned, it was so observed by the Hon'ble Supreme Court in that case that the long custody of the accused itself can become a ground for grant of bail even in view of Section 43D (5) of the UAPA Act. However, in the present case the custody of all the three petitioners is less than two years and therefore it cannot be said to be a long custody. This Court does not wish to make any observation or comments on the merits of the case but only for the purpose of considering the prayer for grant of regular bail, this Court is of the view that considering the seriousness and gravity of the allegations against the petitioners, they are not entitled for the grant of regular bail.

Consequently, all the three petitions are dismissed.

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

09.11.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No