

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 05.01.2022

1. CRM-M-41796-2021

Jagdeep Singh

Petitioner

Versus

State of Punjab

Respondents

2. CRM-M-42388-2021

Sajjan Singh

Petitioner

Versus

State of Punjab

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rupinder Khosla, Senior Advocate with
Mr. S.P.S. Aulakh, Advocate for the petitioner
in CRM-M-41796-2021.

Mr. Gopal Sharma, Advocate for the petitioner
in CRM-M-42388-2021.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through
video conference.

These two petitions under Section 438 Cr.P.C. are filed seeking
anticipatory bail in FIR No. 101 dated 24.5.2021, under Section 384 IPC
and Sections 7 and 13 of the Prevention of Corruption Act, 1988 registered

at Police Station Sirhind, District Fatehgarh Sahib.

The FIR was registered on the basis of a complaint made by Chanderpal son of Suraj Bali. As per the contents of the FIR, on 3.5.2021, ASI-Jagdeep Singh and ASI-Sajjan Singh (petitioners) came in a Swift car at the shop of Parma Shankar (brother of the complainant). They took his brother to a pig farm at Mughal Majra, from there, recovery of 37 cartons of liquor make Naina was made. Sahil, minor son of Parma Shankar, was present at the spot. The petitioners threatened Parma Shankar to implicate his son in the FIR and demanded Rs.50,000/-, it was promised that out of the liquor seized, 15 cartons would be returned. The deal was struck for Rs.20,000/-. Activa scooter bearing registration No. PB-48F-7711 was taken away and was to be returned on payment of Rs.5,000/-. The amount of Rs.25,000/- was paid in the presence of Sahil and thereafter, Activa scooter was released however 15 cartons of liquor as promised were not given back. During enquiry, statement of the complainant was recorded. The petitioners were found absent from duty, their mobiles were switched off and a DDR No. 26 dated 10.5.2021 was recorded with regard to their absence. Notices were sent however, the families of the petitioners refused to accept the same. The petitioners were granted interim bail by Sessions Court, they joined the investigation but due to their non co-operation, the interim bail granted was cancelled and the bail applications were dismissed.

Learned senior counsel appearing for petitioner-Jagdeep Singh submits that a false status report by way of affidavit dated 3.1.2022 has been filed. It is wrongly pleaded that Excise Inspecor-Navdeep Singh has got recorded a statement on 26.5.2021 that his signatures were not taken at

the time of recovery, rather the signatures were obtained on the recovery memo on 4.5.2021. The submission is that the Excise Inspector is not being proceeded against for taking a false stand. The official seal finds mention in the recovery memo, either his affidavit is false or he should be proceeded against for handing over his official seal to other officials without authorization.

It is further argued that the higher officials in the department are vindictive against the petitioner as he refused to act as per their commands for not proceeding in the case of recovery of liquor. The submission is that the petitioner has an impeccable service record and was given letters of appreciation.

Mr. Gopal Sharma, Advocate appearing for petitioner-Sajjan Singh submits that CIA Incharge-Gabbar Singh has animosity with ASI-Jagdeep Singh. The petitioner was asked to be a witness against Jagdeep Singh and on his refusal, he was nominated in the case. He further submits that the main allegations are against ASI-Jagdeep Singh and there is no material against the petitioner. Contention is that a representation was filed by the petitioner on which enquiry is pending.

Learned counsel for the State on instructions from ASI-Jaswinder Singh opposes the prayer for grant of anticipatory bail. He submits that inspite of joining investigation, both the petitioners had not co-operated. He further submits that the conduct of petitioners is evident from the statement given by Excise Inspector-Navdeep Singh that his signatures were obtained subsequent to the recovery. The contention is that in pursuance to the directions of this Court, CCTV footage of cameras

installed in CIA Staff, Fatehgarh Sahib from 3.5.2021 at 5.55 PM to 8.45 PM were got preserved. The footage shows that the scooty belonging to the complainant party was brought to the office of CIA staff without recording any proceedings. He further submits that from the call record details, tower locations of both the petitioners and the Excise Inspector were obtained and there is sufficient material against the petitioners. The submission is that the petitioners never co-operated at the enquiry stage, absented from duty and as a result DDR was recorded. On 26.5.2021, both the petitioners were placed under suspension and were transferred out of the District. The petitioners inspite of being the members of a disciplined force, are absent since May, 2021. He submits that 15 cartons of liquor are yet to be recovered and inspite of raids conducted on 25.5.2021, 27.5.2021, 9.9.2021, 11.9.2022, 12.9.2021, 19.9.2021 and 30.9.2021, the petitioners could not be apprehended and their arrest warrants were obtained.

It would not be appropriate for this court at the stage of deciding the petition for anticipatory bail to comment upon the merits of the case. However, only for the purpose of deciding these petitions, it would be necessary to reproduce the pleadings in paragraph Nos. 6 and 7 in the status report dated 3.1.2022:

“6. That it is respectfully submitted that during the course of further investigation the statement of complainant was got recorded under Section 164 Cr.P.C. and the statements of witnesses under Section 161 Cr.P.C. were also recorded. On 26.5.2021 statement of Excise Inspector Navdeep Singh, Circle Mandi Gobindgarh, District Fatehgarh Sahib was recorded, who revealed that he had received a call from ASI Jagdeep Singh (present petitioner) on his mobile

no. 98147-80010 on 3.5.2021, whereby he was informed that secret information is received by him to the effect that illegal sale of liquor is taking place near Mugal Majra, Mandi Gobindgarh. If the facts disclosed in the secret information received would be found correct, then he will be called on the spot. However, he was not joined in the police party at the time of raid/recovery and he was called subsequently to C IA staff Sirhind for checking labels of recovered liquor. On checking, 72 bottles of Rum make Naina and 192 bottles of Whiskey make Naina, saleable in UT Chandigarh only, were found recovered. His signatures on recovery memo, arrest memo, search memo and statement under Section 161 Cr.P.C., was obtained on 4.5.2021. At the time of conducting checking of recovered liquor as well as signing the documents he had objected to the proceedings conducted in his absence by the above noted accused persons. True translated copy of statement of Inspector Navdeep Singh dated 26.5.2021 is annexed herewith as Annexure R-1/T for kind consideration of this Hon'ble Court.

7. That it is further respectfully submitted that during the course of further investigation pursuant to order(s) passed by this Hon'ble Court the CCTV footage of the cameras installed at CIA, Fatehgarh Sahib from 3.5.2021 at 5.55 p.m. Until 8.45 p.m. was got preserved and converted in the form of Compact Disc, that was made part of case file as per law. The tower locations/call detail record of accused persons ASI Jagdeep Singh (Mb. 99150-00597) and ASI Sajjan Singh (Mb. 98779-48201) and complainant Chanderpal (Mb. 98724-555896) and Excise Inspector Navdeep Singh (Mb. 98147-80010), was obtained for the period commencing from 1.1.2021 until 28.5.2021. From verification conducted, the aforesaid Activa scooty was found registered in the name of Sunita wife of Parmashankar (brother of complainant) and

the shop, against which the complainant had obtained loan (for paying the bribe money to accused persons) from one Rajesh Dhawan, was found registered in the name of his wife Komal. Rajesh Dhawan was also joined in investigation and he corroborated the statement of complainant.”

These pleadings are an indicator as to how the matter was being handled with regard to recovery of 37 cartons of liquor. *Albeit*, the allegations are being made against Gabbar Singh, Incharge of CIA staff, but on a pin pointed query from the court, nothing *prima facie* has been shown to connect the complainant with Gabbar Singh. The pendency of representation made by petitioner-Sajjan Singh in itself would not be a ground for grant of anticipatory bail. Conduct of the petitioners that as per the allegations, the Excise Inspector was never made to join the proceedings while making recovery, the official status of the petitioners is such that they would be in a position to influence the complainant and the investigation. The contention raised that brother of the complainant is a habitual defaulter and is involved in other cases in itself cannot be a ground to ignore the allegations made in the complaint and material available against the petitioners. Both the petitioners were specifically named in the complaint. It is not a case where ASI-Sajjan Singh was nominated subsequently as argued by learned counsel for the petitioner that on refusal to become a witness, he was nominated in the case.

No case is made out for grant of anticipatory bail.

The petitions are dismissed.

Photocopy of the order be placed on the file of connected case.

5th January, 2022
mk

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No