

CRM-M-39650-2022 with
CRM-36660-2022
Date of decision: 27.09.2022

Amar Singh @ Amru

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Surinder Garg, Advocate
for the applicant/respondent No.2.

NAMIT KUMAR, J. (ORAL)

CRM-36660-2022

This application has been filed on behalf of respondent No.2
for placing on record the reply to the present petition.

In view of the averments made in the application, the same is
allowed. Reply is taken on record.

CM stands disposed off.

CRM-M-39650-2022

This petition has been filed under Section 438 Cr.P.C. for grant
of anticipatory bail to the petitioner in a case bearing FIR No.137 dated
03.07.2022 under Sections 384/420/120-B/506 of IPC registered at Police
Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner submits that the petitioner is
innocent and has been falsely implicated in the case and there is no specific

allegation levelled against the petitioner in the FIR. On the other hand, the learned State counsel submits that inquiry was conducted by the DSP, Kotkapura, Faridkot before registration of the FIR and only after completion of inquiry in which it was recommended by the Inquiry Officer for registration of FIR under Sections 384/420/120-B and 506 of IPC, the instant FIR was registered.

Perusal of the inquiry report shows that Rajinder Singh son of Joginder Singh, resident of Deviwala Road, Street No.4, Kotkapura got recorded his statement before the enquiry officer regarding sale of two *tolas* of gold by Amar Singh @ Amru for which Rajinder Singh paid him Rs.40,000/- in May, 2020. Therefore, again three *tolas* gold was sold to Rajinder Singh son of Joginder Singh by Amar Singh @ Amru and Dilbagh Singh, which was worth Rs.1,00,000/- and he paid this amount to both of them. He was specifically asked the question whether five *tolas* gold sold to him was made of his shop, to which he replied in negative.

On issuance of notice of motion, status report has been filed by the learned State counsel wherein, it has been stated in para 4 as under:-

“The preliminary enquiry also established that the victim Rupinderjit Kaur without the knowledge of her parents delivered his gold ornaments comprising 02 sets of ear rings, 02 gold chains, 02 bangles of gold, 02 gold neckless total weighing around 20 tollas were delivered by victim to Dilbag Singh at different occasions. Further all these gold jewellery of victim had been disposed by Dilbag Singh with the help of his uncle Amar Singh alias Amru (petitioner). When the victim came about the reality of said Dilbag Singh and demanded her money and jewellery back, she was intimidated by Dilbag Singh to make her tampered photographs viral on social media. The witness Sadhu Singh established that the victim paid a huge amount to Dilbag Singh through UPI. The incumbent inquiry officer found no culpability on the part of said Sadhu Singh, Anterjit Singh alias Tikku, Sarabjit Singh all r/o Malke and ASI Vikram Singh and concluded that prime accused Dilbag Singh never

came present despite repeated calls whereas his Uncle/Petitioner Amar Singh though marked his presence but deliberately refused to suffer his statement and his connivance with prime accused Dilbag Singh is manifest. Thus in his fact finding report Dated: 28 6-2022 recommended to launch investigation against said Dilbag Singh and present petitioner Amar Singh for offence u/s 384/420/120-B/506 of IPC. After statutory approval by SSP, Faridkot the instant FIR No. 137 (supra) has been registered against petitioner among Dilbag Singh aforesaid.”

Therefore, in this view of the matter, the investigation at this stage cannot be scuttled and investigating officer is to be given free hand to investigate the matter, which is still under process. Custodial interrogation of the petitioner/accused is required.

In view of the above, the petitioner is not entitled to the relief of pre arrest bail and consequently, the same is hereby dismissed.

Any observation made in this order shall have no bearing on the merits of this case.

27.09.2022
Neha

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No