

**(207) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-45181-2022
Date of Decision: 17.10.2022

GURCHARAN SINGH @ GURCHAND SINGH @ CHAND
... Petitioner

Versus

STATE OF PUNJAB

...Respondent

GURPREET SINGH
CRM-M-44027-2022
... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Akshay Chadha, Advocate
for the petitioner.
In both the petitions.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

Mr. Jatinder Singh Mundi, Advocate
for the complainant.
In both the petitions.

JASJIT SINGH BEDI, J.

By virtue of this common order, this Court proposes to dispose of two petitions bearing CRM-M-45181-2022 titled as Gurcharan Singh @ Gurchand Singh @ Chand Versus State of Punjab and CRM-M-44027-2022 titled as Gurpreet Singh Versus State of Punjab as the same are arising out of the same FIR.

2. The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.145 dated 04.09.2022 (Annexure P-1) registered under Sections 419, 342, 392 of the IPC and Sections 25/27 of Arms Act and (Sections 395, 170, 171, 411 and 492 of the IPC added later on) with Police Station Sadar Khanna.

3. The brief facts of the case are that Sajjan Singh son of Mukhtiar Singh stated that his son had obtained a Panchayati divorce from his wife Manpreet Kaur. As per the divorce, Rs.9 lakhs settlement was to be paid to Manpreet Kaur. A cheque of Rs.3 lakhs had been given to her and Rs.6 lakhs remained to be paid. He had sold some land for about Rs.2 crores and had received a sum of Rs.40 lakhs in cash out of which Rs.25 lakhs was lying at his home whereas the remaining amount had been spent on household expenses. On 04.09.2022 at about 05.15 AM in the morning, he was informed by his daughter-in-law that some people had come to meet him in a white colour Innova car. He found four young people standing outside, three without turbans and one with a turban all wearing masks. They were stated to be of the age of 40-42 years. The said persons told him that they had come to conduct an income tax raid and took the whole family inside. They asked for cash which had been kept in the house. Two of the non-turbaned persons were carrying revolvers. On their threat, he opened his trunk and they took out Rs.25 lakhs. Thereafter, he along with his family were locked inside a room and the youngsters went away with a sum of Rs.25 lakhs. He subsequently called his relatives who got them freed.

Based on the aforementioned allegations, the present FIR came to be registered.

As per the prosecution case, pursuant to the registration of the FIR, on 07.09.2022, the complainant recorded his supplementary statement stating that the petitioner-Gurcharan Singh @ Gurchand Singh @ Chand son of Sohan Singh was in the knowledge that money was lying in the house. Therefore, petitioner-Gurcharan Singh @ Gurchand Singh @ Chand in connivance with the co-accused Mohd. Haleem @ Dr. Khan, Gurpreet Singh son of Harpal Singh (petitioner in CRM-M-44027-2022) Paramdeep @ Vicky and Rajnish Kumar had earlier come to the village of the complainant and met him. Thereafter Gurcharan Singh @ Gurchand Singh @ Chand and Mohd. Haleem @ Dr. Khan had again come to the village of the complainant and met the him at the bus stand. On 04.09.2022, Mohd. Haleem @ Dr. Khan, Gurpreet Singh (petitioner in CRM-M-44027-2022), Paramdeep alias Vicky, Rajnish Kumar and two unknown persons in one Innova car had committed the robbery at his house.

On 07.09.2022, Paramdeep @ Vicky, Mohd. Haleem @ Dr. Khan and Rajnish Kumar were arrested. They confessed to having committed the offence as per the plan of the petitioner-Gurcharan Singh @ Gurchand Singh @ Chand. The petitioner-Gurcharan Singh @ Gurchand Singh @ Chand had conducted a recce of the house of the complainant and had also shown the house of the complainant to the co-accused. During the course of investigation, a sum of Rs.11 lakhs was recovered at the instance of Mohd. Haleem @ Dr. Khan, Paramdeep alias Vicky and Rajnish Kumar. A Verito car PB-10ED-9866 was also taken into police possession.

As per the interrogation and confession of Mohd. Haleem @ Dr. Khan, Paramdeep @ Vicky and Rajnish Kumar, Sukhwinder Singh @ Maan,

Daljit Singh, Rajiv Kumar alias Sukha and Harpeet Singh alias Gill were added as accused, pursuant to which offences under Sections 395/170/171/411 IPC were added.

On 12.09.2022, Rajiv Kumar alias Sukha was arrested from Bihar where he disclosed that his actual name was Uma kant @ Sukha and he got Rs.26,000/-.

4. The learned counsel for the petitioner (Gurcharan Singh @ Gurchand Singh @ Chand) contends that the name of the petitioner figured in the supplementary statement of the complainant who has not been able to disclose as to how he got to know that the petitioner had the knowledge of Rs.25 lakhs being kept in the house of the complainant and had committed the offence. He contends that the petitioner has been falsely implicated as he was helping Manpreet Kaur daughter-in-law of the complainant in her matrimonial dispute against Sikandar Singh son of the complainant. He contends that none of the arrested co-accused had disclosed the name of the petitioner during the investigation. In fact, the petitioner is not stated to have been present at the spot when the alleged occurrence took place and he has wrongly been called the 'kingpin'. He thus contends that the petitioner ought to be granted the concession of anticipatory bail as there is no substantive evidence available against him.

Similarly, with respect to the petitioner-Gurpreet Singh (CRM-M-44027-2022), the learned counsel raised similar arguments as those raised in the case of Gurcharan Singh @ Gurchand Singh @ Chand. In addition, he contends that the petitioner has been implicated only on account of the fact that he is a nephew of Gurcharan Singh @ Gurchand Singh @ Chand. In

fact, at the time of the occurrence, the petitioner was sleeping in his house and the said fact has been duly recorded in the CCTV footage of his house. Even otherwise, as per the FIR, the accused were stated to be about the age of about 40-42 years, whereas the petitioner is only 22 years of age and as such cannot be affixed with any liability. He therefore contends that the petitioner also deserves the concession of anticipatory bail.

5. Short replies dated 10.10.2022 have been filed on behalf of the respondent-State in both the cases by the learned State counsel by way of an affidavit of William Jeji, PPS, Deputy Superintendent of Police, Police district Khanna, District Ludhiana and the same are taken on record. The learned State counsel contends that a sum of Rs.11,26,000/- already stands recovered from four of the accused namely, Mohd. Haleem @ Dr. Khan, Paramdeep @ Vicky, Rajnish Kumar and Rajiv @ Uma Kant. He submits that the petitioner is the main accused, who had planned the entire occurrence of committing the dacoity as he was aware of the fact that a huge amount of cash was lying in the house of the complainant in the context of the divorce proceedings of the son of the complainant. The name of the petitioner-Gurcharan Singh @ Gurchand Singh @ Chand was disclosed not only in the supplementary statement of the complainant but also by the co-accused of the petitioners. A sum of Rs.13,74,000/- was to be recovered along with the weapons used in the offence and the identity cards used by the accused persons who posed themselves to be Income Tax Officers. The motorcycle used by the petitioner- Gurcharan Singh @ Gurchand Singh @ Chand for conducting a recce was yet to be recovered. Moreover, it is contended that the petitioner-Gurcharan Singh @ Gurchand Singh @ Chand is a habitual

criminal who is involved in two other cases i.e. FIR No.88 dated 17.07.2018 registered under Sections 419, 420, 406 IPC at Police Station Doraha, District Ludhiana and FIR No.102 dated 03.07.2018 registered under Sections 420, 323, 324, 342, 379, 506, 149 IPC at Police Station Jodhan, District Ludhiana. Therefore, he contends that the custodial interrogation of the petitioners is certainly required keeping in view the serious nature of the offence and to take the case to its logical conclusion.

With respect to the petitioner-Gurpreet Singh (CRM-M-44027-2022), the learned State counsel contends that he is the nephew of the main accused Gurcharan Singh @ Gurchand Singh @ Chand. The sequence of events as narrated in the State reply clearly shows that the petitioner-Gurpreet Singh along with the other accused as also Gurcharan Singh @ Gurchand Singh @ Chand were actively involved in the commission of the offence. In fact while Gurcharan Singh @ Gurchand Singh @ Chand was the main conspirator, Gurpreet Singh being his nephew was also an equal party to the offence. The interrogation of Mohd. Haleem alias Dr. Khan would show that the petitioner-Gurpreet Singh was running a shop at Rara Sahib, Ludhiana alongside Mohd. Haleem alias Dr. Khan and they had good relations with each other. Due to the lure of money, the petitioner and Mohd. Haleem alias Dr. Khan became a party to commit the offence at the instance of Gurcharan Singh @ Gurchand Singh @ Chand maternal uncle of Gurpreet Singh. He thus contends that the petitioner does not deserve the concession of anticipatory bail as he is specifically named in the supplementary statement of the complainant and in the disclosure statement of various accused. Even

otherwise, the serious nature of the offence does not entitle to the petitioner to the grant of anticipatory bail.

7. The learned counsel for the complainant vehemently opposes the grant of bail contending that the petitioners are in fact the main conspirators and at whose instance the offences were committed.

8. I have heard the learned counsel for the parties at length.

9. Admittedly, four of the accused namely Mohd. Haleem @ Dr. Khan, Paramdeep @ Vicky, Rajnish Kumar and Rajiv @ Uma Kant are said to have posed as Income Tax Officers and had gone to the house of the complainant and committed the offence in question. A recovery of Rs.11,26,000/- already stands effected from these accused. The name of the petitioners who are maternal uncle and nephew respectively figured in the supplementary statement of the complainant as also in the statements of the various other co-accused. It has been clearly explained by the complainant that Gurcharan Singh @ Gurchand Singh @ Chand was aware of the fact that there was a matrimonial dispute between his son and his daughter-in-law because of which money was to be paid to his daughter-in-law and a sum of Rs.25 lakhs was lying at his residence. Taking advantage of this knowledge, Gurcharan Singh @ Gurchand Singh @ Chand in connivance with the other other accused committed the offence in question. In the present case, the custodial interrogation of the petitioners is certainly required not only to get recovered the remaining amount of Rs.13,76,000/- but also the identity cards used by the accused persons who posed themselves to be Income Tax Officers as also the motorcycle used by the petitioner-Gurcharan Singh @ Gurchand Singh @ Chand for conducting a reccee. Even otherwise, the

allegations are extremely serious and to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

10. In view of the above, I find no merit in the present petitions. Therefore, the same are hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

17.10.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No