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

CRM-M-56783-2022
Date of Decision: 06.12.2022

SUKHMINDER SINGH @ MANN SAHIB

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gurjeet Singh Kaura, Advocate
for the petitioner.

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

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JASJIT SINGH BEDI, J.

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 392, 342, 419 of the IPC and Sections 25/27 of Arms Act, 1959 with Police Station Sadar Khanna, District Khanna.

2. 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 in 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

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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 appeared 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 Gurcharan Singh @ Gurchand Singh @ Chand son of Sohan Singh was in the knowledge that money was lying in the house. Therefore, Gurcharan Singh @ Gurchand Singh @ Chand in connivance with the co-accused Mohd. Haleem @ Dr. Khan, Gurpreet Singh son of Harpal Singh, 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, Paramdeep alias Vicky, Rajnish Kumar

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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 Gurcharan Singh @ Gurchand Singh @ Chand. 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 (petitioner), Daljit Singh (bail dismissed vide order dated 11.11.2022 passed in CRM-M-51729-2022), 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 had recovered Rs.26,000/-.

3. The learned counsel for the petitioner contends that the present petitioner has been implicated on the basis of a disclosure statement of the other accused nominated by the complainant in his supplementary statement. As per the Special Report no specific allegation has been levelled against the

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petitioner as to how he was involved in the offence. He contends that some of the accused persons have been arrested and the recovery of the looted amount and vehicle used in the offence has been effected from the accused. Nothing was to be recovered from the present petitioner who has been falsely implicated. Since the petitioner has been involved only on the basis of a disclosure statement of the main accused without any other evidence, the custodial interrogation of the petitioner was not required because the said confessional statement of the accused cannot be read in evidence against a co-accused. Even otherwise, the co-accused of the petitioner namely, Paramdeep Singh @ Vicky and Mohd. Haleem @ Dr. Khan have been granted regular bail vide order dated 29.11.2022 (Annexure P-2) passed by the Additional Sessions Judge, Ludhiana and Gurpeet Singh and Rajnesh Kumar have been granted regular bail vide order dated 29.11.2022 (Annexure P-3) passed by the Additional Sessions Judge, Ludhiana. He thus contends that the petitioner be granted the concession of anticipatory bail.

4. On the other hand, the learned State counsel submits that Rs.11,26,000/- was recovered from 04 accused namely, Mohd. Haleem @ Dr. Khan, Paramdeep @ Vicky, Rajnish Kumar and Rajiv @ Uma Kant. He submits that the petitioner was duly named in the disclosure statement of his co-accused namely, Mohd. Haleem @ Dr. Khan, Paramdeep @ Vicky and Rajnish Kumar. The recovery of money, weapons and identity cards used by the persons was to be effected not only from the petitioner but from his co-accused Gurcharan Singh @ Chand and Gurpreet Singh as well (their bail applications have been dismissed vide order dated 17.10.2022 passed in

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CRM-M-45181-2022). Even otherwise, the bail application of a similarly placed co-accused Daljit Singh has been dismissed vide order dated 11.11.2022 passed in CRM-M-51729-2022. He therefore contends that the custodial interrogation of the petitioner is certainly required keeping in view the serious nature of the allegations and to take the investigation to its logical conclusion.

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

6. 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 petitioner has figured in the disclosure statement of his co-accused who have been arrested. The allegations against the petitioner and his co-accused are grave inasmuch as they have impersonated themselves as Income Tax Officers and committed the offence in question in conspiracy with the co-accused. The custodial interrogation of the petitioner is certainly required not only to get recovered the remaining amount of money but also the identity cards used by the accused persons who posed themselves to be Income Tax Officers. Further, the bail application of the similarly situated co-accused Daljit Singh already stands dismissed vide order dated 11.11.2022 passed in CRM-M-51729-2022. 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.

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7. In view of the above, I find no merit in the present petition. Therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.12.2022
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Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

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