

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1776-2023
Reserved on: 13.02.2023
Pronounced on: 01.03.2023

Sukhpal Singh @ Pali @ Lali ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
43	23.04.2021	Barnala, Distt. Barnala	364A, 386, 342, 323, 506, 148, 149 & 120B IPC and Section 25 of Arms Act

1. Upon his arrest in the FIR captioned above, the petitioner, who is in custody for allegedly abducting, falsely implicating and duping the complainant party for a sum of Rs. 13,50,000, on the pretext of getting a favorable statement in an alleged FIR registered against the complainant’s brother and his friend under sections 376-D and section 4 of POCSO Act, have come up before this court under section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. The complainant gave a written complaint to SSP Barnala, in which he alleged that on March 16, 2021, he received a phone call from his brother Gurtej Singh who told him that he and his friend Gursewak Singh, who is a co-villager, had been kidnapped and the kidnappers were demanding a ransom of Rs. 25,00,000/- for their release. His brother asked him to arrange the money and save their lives. He appeared to be very tense, and asked him not to disclose this to anyone. The complainant started arranging money and was able to collect a sum of Rs. 5/6 lacs, and in the meanwhile, he was continuously receiving phone calls, and the kidnappers started threatening him and demanding money. However, the complainant started recording their calls. The kidnappers asked him to come towards a place and warned him not to disclose it to anyone, or else they would kill the kidnapped person. On reaching the place at about 10 P.M, some persons met them, and they told him that Gurtej and Gursewak had raped a girl from their village. At that time, ASI Dharampal and ASI Pritpal Singh also reached the spot and

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took them to the police station Dhuri, and with their intervention, the matter was compromised for an amount of Rs. Five lacs. As per the compromise, the complainant party handed over a sum of RS. 2.5 lacs each to ASI Dharampal and ASI Pritpal and returned to their village along with the kidnapped persons.

3. The following day, Gurtej Sigh and Gursewak Singh told a shocking revelation. They told the complainant that one Bikar Singh had called them for keeping an evil eye on his wife a few days earlier and said that he had the audio recordings of their conversations. He asked them to meet them at the Barnala bus stand. On reaching there, 4-5 persons, including a woman, came there, and they introduced themselves as Pardeep Singh, Gurpreet Singh alias Vicky, Bikar Singh, Sukhpal Singh, and Sandeep. After some time, these 4-5 persons followed him and his friend to fields and thrashed them and asked them to do as they say on a video clip. They gave in due to the beatings and fear and started saying things they asked them to say on a video being recorded by these persons. After that, they demanded Rs. Twenty-five lacs and forced them into their car and took them away. It was then that he called his brother (complainant) and narrated him that he had been kidnapped and the compromise was effected for 5 lakhs.

4. The complainant and his brother then decided not to give remaining money and report the matter to the police. On realizing this, these persons then got one girl from their gang admitted to a hospital in Patiala and got registered an FIR under section 376D IPC and Section 4 of POCSO in the police station in Barnala.

5. The complainant further stated that their gang members Paramjit Singh alias Pamma, Bhupinder Kaur, Hardiyal Singh, an employee of the vigilance department, Jinder Kaur alias Bhua, Sukhwinder Singh and Ashwani, Chairman, Block Samiti, took a sum of Rs 13,50,000/- for recording a clear statement of the girl under section 164 CrPC absolving them. The complainant stated that they have come to know about the working of a big gang, which includes officials from the police and vigilance.

6. Vide a common order dated 12.05.2022 passed in CRM-M-27060-2021, this Court had dismissed the bail of co-accused including the present petitioner. There is no change in circumstances except further custody. This Court deems it appropriate to reproduce paras 5, 6 & 7 of the above said order, which read as follows:-

“5. The SSP marked the complaint about an inquiry by DySP, and as per the status report, the inquiry report is as under,

“During the inquiry it was found that at the pointing of the weapons/arm, Pardeep Singh (now present petitioner) Gurpreet Singh alias Vicky, Bikkar Singh, Sukhpal Singh and Sandeep Kaur after hatching the conspiracy has wrongfully confined Gurtej Singh and his friend Gursewak Singh and they have also beat them and then all the above said accused

persons on the pointing of the weapons have abducted Gursewak Singh and Gurtej Singh in the Alto Car of Gursewak Singh and then demanded Rs.25 lakhs from the relatives of the Gurtej Singh and Gursewak Singh through a phone call. If they failed to make the payment of Rs.25 lakhs, then they have threatened that both of them will be eliminated and they will be also falsely implicated in the rape case, further directed them to make the payment of Rs.25 lakhs at village Benra near Dhuri. Then the complainant party reached at 10.00 AM on 16.03.2021 where SI Dharampal Singh chowki Incharge, Ranike and ASI Pritpal Singh Chowki Incharge Bhalwan, PS Sadar Dhuri, met them. Then relatives of Gursewak Singh had made contact with the above said accused persons, then Gurtej Singh and Gursewak Singh were brought by the above said accused persons in the indica car bearing registration no.PB-59A-1817 and all the above said accused persons have kept both the Gursewak Singh and Gurtej Singh in illegal confinement. Then both the parties were taken to PS Sadar Dhuri and the compromise was effected with the intervention of the police officials.”

6. Based on the enquiry report, on 23-04-2021, the investigator arrested Pardeep Singh, Gurdeep alias Vicky, Bikkar Singh, Sukhpal, Sandeep Kaur. The investigator also found Paramjit Singh alaisPamma to be innocent and Hardial and Bhupinder Kaur could not be arrested as they were absconding.

7. After the arrest, the police recovered Rs 2,30,000 from Pardeep Singh; Rs. 1,45,000/- from Gurdeep alias Vicky; Rs. 1,10,000/- from Bikkar Singh; Rs. 45,000/- from Sukhpal; and Rs. 1,00,000 from Sandeep Kaur.”

7. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

8. Ld. counsel representing the State opposes bail.

REASONING:

9. Given the evidence collected so far, phone conversations, and the recovery of the ransom amount, all the petitioners, had active roles in duping the complainant party. When the fraudsters start taking advantage of the loopholes in the laws enacted to safeguard females and children, it wreaks havoc on the innocent males and their families. Stigma often breaks families and the burden of unnecessary litigation is taxing emotionally and financially.

10. The gravity of offence does not entitle bail to the petitioners. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

11. In the entirety and facts and circumstances of the case, no case for bail is made out, however solution lies in expediting the trial.

12. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in terms mentioned above. However, considering the custody, the trial will be expedited, and an endeavor will be made to complete the trial by May 31, 2023. In a situation the trial is still not completed by this date, and the delay is not attributable to the petitioner, then he shall be at liberty to file a fresh bail petition before the trial court, which shall consider bail afresh without being influenced by the rejection of the previous bail petitions. The expediting of the trial is subject to the condition that the petitioner shall not seek any adjournment, and if he does so, this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.03.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.