

208 (2 Cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 08.08.2023

1) CRM-M-33064-2022 (O&M)

Rjinder Singh @ Rajinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

2) CRM-M-33919-2022 (O&M)

Nazam Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ankur Malik, Advocate and
Mr. Zenim Dogra, Advocate
for the petitioner(s).

Mr. Amit Shukla, A.A.G., Punjab.

Mr. Lalit Singh, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

By way of this order, I intend to dispose of these two petitions preferred for seeking pre-arrest bail.

2. As per the allegations levelled in the FIR (Annexure P-1), it has been alleged as under:-

“xxx xxx xxx

Subject :Application from Naresh Kumar son of Milkhi Ram resident of Khanuri Mandi by the applicant. Sir, attached application number 5436 / P dated 03.06.2022 by Naresh Kumar son of Milkhi Ram resident of Khanuri Mandi against Najam Singh son Mukhtiar Singh, resident of village Bir Khurd, district Mansa, etc. was received for investigation at this office. In connection with the investigation of the said application, statements have been prepared by examining . the following persons from both the concerned parties, who are certified as interested persons. Apart from this, the applicant Naresh Kumar has produced the voice recording of the conversation with the disputing party and the records regarding the correct delivery and quality of rice, which is attached and the call register of the mobile numbers of the disputing parties, their Tower locations have been received. Applicant party: 1. Applicant Naresh Kumar son of Milkhi Ram resident of Khanuri Mandi. 2. Ramphal Sharma son of Om Prakash resident of village Mandita. 3. Rohtasg Kumar son of Bhagwan resident of Anaj Mandi, Khanuri. 4. Rajinder Kumar son of Milkhi Ram Resident of Ward No. 11, Khanori 5. Gagandeep Kumar alias Dimple Kumar son of Kewal Krishna resident of Ward No. 01, Shiv Colony Cheema Mandi, District Sangrur. Second party: 1, Rajinder Singh son of Roshan Lal resident of Andana. 2. Najam Singh, son of Mukhtiar Singh, resident of Bir Khurd, District Mansa. 3. Harjit Singh, son of Jagdev Singh,

resident of Bir Khurd, District Mansa. 4. Baljit Singh alias Jitu son of Om Prakash resident of Anudana. During investigation, it has been found from careful reading of written statements of both the parties, record documents submitted by the applicant Naresh Kumar and the voice recording of the conversation with the opposite party and the technical testimony of the pen drive that the applicant Naresh Kumar son of Milkhi Ram has a shop of Arti at Khanauri Mandi. Apart from Aarat's work, applicant took a K.T.C. Rice and General Mill on lease from owner Sanjay Jindal son of Late Suresh Chand resident of Khanuri Mandi for the season 2021-22 to his son Manav Singla who is studying in B.A and applicant is take care of entire work of this Mill. Applicant Naresh Kumar has a good family relation with Ramphal Sharma son of Om Parkash R/ o Andana and they have joint business in the market, but Ramphal has no share in the said mill. During the crop season 2021-22, 85739 bags of peddy (jeeri) including levy weight 32152 125 quintals were supplied to the said mill by Pangrain department out of which 81739 grant peddy (jiri) weighing 30652 125 quintals were allotted by the department. According to the rules of the Department FCI, said mill was to deliver 20536.92375 quintals of rice to the departments till 2022, which the mill has submitted to FCI on 17.03.2022. 20658.932 quintals of rice was delivered to him. Regarding which department FCI, the rice clear certificate given to the said mill was enclosed herewith. After. that, there was no rice owed by the

departments to the mill. On 12.04.2022, Nazam Singh son of Mukhtiar Singh, resident of Bir Khurd, District Mansa, of the opposing party, KTC. Rice Mill Ananda.na - Mandvi Road Khanuri gave a complaint to Hon'ble Deputy Commissioner Sahib Sangrur ji about taking action against the owner Ramphal Party Om Prakash resident of Andana for misguiding the government and making lime of lakhs of rupees, which was marked to FSC Sangrur for investigation. This complaint was investigated by DFSC Sangrur through District Manager Pangren Sangrur Food Supply Officer. On dated 12.04.2022, sudden the Food Supply Officer, Sunam and other official reached the KTC Rice Mills, Khanauri and inspected the Mill. Meanwhile, the applicant Naresh Kumar called elder brother Rajinder Kumar alias Inder son of Milkhi Ram who is the president of mill association Khanauri along with his friend Ramphal Sharma son of Om Prakash resident of Anandan on the spot. When the applicant Naresh Kumar repeatedly asked the said officials about this unexpected checking, then they said that Nazam Singh son of Mukhtiar Singh, resident of Bir Khurd, District Mansa, has complained against your mill that the owner Ramphal Sharma is supplying poor quality of rice to the authorities. As per the saying of applicant Naresh Kumar, he told the authorities, he does not know the person i.e. Nazam Singh and has nothing to do with it. He has supplied the rice as per the condition and guidelines of FCI and the department has issued

clearance certificate and quality rice certificate. The department has not made any complaint regarding rice and after the inspection, Food supply officer, Sunam along with teach left the spot. After this, Naresh Kumar applicant : contacted his relative Gagandeep Kumar son of Kewal Krishna, resident of Ward No. 01, Shiv Colony on his phone that to talk to the opposing party Najam Singh regarding the above issue as to why he has complained to the Hon'ble Deputy Commissioner Sahib Sangrur. On which Gagandeep Kumar alias Dimple said that he knows Najam Singh, because a long time ago he used to sell his crops to him and now his nephew sells crops to him. Let's talk with him together. On 13.04.2022, Najam Singh submitted his handwritten statement to Food Supply Officer Sunam regarding the above complaint. After that, on 14.04.2022, Naresh Kumar along with Ramphal Sharma son of Om Prakash resident of Anandana, Rajinder Kumar son of Milkhi Ram resident of Khanuri Mandi reached at the house of his relative Gagandeep Kumar alias Dimple son of Kewal Krishna Naresh Kumar at Cheema and for asking of Naresh Kumar, Gagandeep Kumar alias Dimple called Najam Singh to meet and discuss the above said matter. On which according to Nazam Singh, the applicant Naresh Kumar along with Ramphal Sharman, Rajinder Kumar alias Inder and Gagandeep Kumar alias Dimple went to the house of Harjit Singh Canada Wale at village Bir Khurd, where Harjit Singh called Nazam Singh to his house. According to the statement of

applicant Naresh Kumar and witnesses, Najam Singh and Harjit Singh talked to them that we have a very big gang and when we get orders from above, we complain in the same way. Then the applicant asked Najam Singh etc. what do you want from us by making a false complaint against us because we have delivered the right rice to the department of FCI on time and the departments have also given a clear certificate, meanwhile Harjit Singh talked to another person from his mobile number 9041719270 at around 01:00 and said that we have settle the meeting with you on account of Rs.1 Crore. If you don't pay this amount, we will send samples of your rice and make it fail from the lab, because we have a connection with top, even if your rice is 100 percent correct, we have the courage to make it fail. Applicant Naresh Kumar etc., refused to pay the amount demanded by them and left there. After enquiring the detail calls of Mobile no.9872110598 to the mobile No.98158-14999 of Nazam Singh, the mobile of Harjit Singh No.90417-19270 and Rajinder Singh son of Roshan Lal R/ o Andana No.84374-40014, the following calls which they called each other on dated 14.4.2022 is as under:- Sr.No.01: Mobile Number 9872110598, Name of owner Rajinder Singh son of Roshan Lal R/o Andana, Sr.N0.02: Mobile Number 84374-40014 name of owner Rajinder Singh son of Roshan Lal R/ o Andana, Sr.No.3: Mobile Number 90417-19270 Name of owner Harjit Singh son of Jagdev Singh R/o Bir Khurd, Distt.Mansa Sr.No.4. Mobile number

98158-14999 Name of owner Nazarn Singh son of Mukhtiar Singh R/o Bir Khurd, Distt. Mansa. Rajinder Singh and Nazam Singh: Mobile No.9872110598, other number 9872110598 other unbar 9615814990 call type Incoming Call Date Apr 14, 2002 Time 8:10:55 Duration 3 Mobile No.9872110598 her number 981581409. ca Type

Outgoing Call Date Apr 14, 2022 Time 09:31:58 Duration 35 Mobile No 721105 other number 9815614999. call type Outgoing call Date Apr 14, 2022 T 09:35 40 Duration 36 Mobile No.9872110598 other number 9815814009 call type Outgoing Call Date Apr 14 2022 Time 09:41:57 Duration 24 Mobile No.9872110508 other number 9815814999 , call type Outgoing Call Date Apr 14 2022 Time 10:29:36 Duration 273 Mobile No.9872110598 other number 9815614999 call type Outgoing call Date Apr 14 2022 Time 10:38.35 Duration 238, Mobile No.9872110598 other number 9815814999 call type Outgoing Call Date Apr 14, 2022 Time 11.09.03, Duration 38 Mobile No.9872110598 other number 9815614999.call type Incoming Call Date Apr 14, 2002, Time 11:25:22 Duration 71, Mobile No.9872110598 other number 9815814999 call type Incoming Call Date Apr 14 , 2022Time 11:49:39, Duration 55 Mobile No 9872110598 other number 9815814999, call type Outgoing Call. Date Apr 14, 2022 Time 11:52:39, Duration 13, Mobile No.9872110598 other number 9815614999 call type Outgoing call Date Apr 14, 2022 Time:12:21:30, Duration 45

Rajinder Singh and Nazam Singh Mobile No 8437440014 other number 9815814999 call type Incoming Call Date Apr 14, 2022 Time : 09 14,29 Duration 97 Rajinder Singh and Harjit Singh Mobile No. 9872110598 other number 9041719270 call type Outgoing Call Date Apr 14

2022 Time 11:26:49 Duration 45, Mobile No. 9872110598, other number 9041719270, call type Outgoing call Date Apr 14. 2022 Time 12:17:35 Duration 108, Mobile No. 9872110598 other number 9041719270, call type Incoming Call, Date Apr 14 , 2022 Time 12:53:18 Duration 1 Mobile No. 9872110598 other number 9041719270 .call type Outgoing call, Date Apr 14, 2022 Time 12 : 53 : 31 Duration 9, Mobile No. 9872110598 other number 9041719270 , call type Incoming Call, Date Apr 14 : 2022 Time 13: 05:58 Duration 225 Mobile No.9872110598 other number 9041719270, call type Incoming Call , Date Apr 14, 2022 Time 13:17:29, Duration 406, Mobile No.9872110598, other number 9041719270 call type incoming Call Date Apr 14,2022., Time 14:22:27 Duration 157, Mobile No.9872110598 other number 9041719270, call type outgoing call, date Apr. 14, 2022, Time 17:49:33 Duration 37, Mobile No. 9872110598, other number 9041719270, Call type outgoing call, Date Apr. 14,2022. Time 18:43:21 Duration 157, Nazam Singh and Harjit Singh, Mobile No.9815814999, other number 9041719270, call type outgoing call, Date Apr. 14,2022, time 11:20.70, duration 100, Mobile No.9815814999,

other number 9041719270, call type, incoming call, Date Apr.4, 2022, time 11:46:47, Duration 113, Mobile No.9815814999, other Number 9041719270, call type incoming Call, Date Apr. 14,2022, Time 11:55:56, duration 9, Mobile No.9815814999, other number 9041719270, call type outgoing call, Date Apr. 14, 2022, Time 12:31:58, Duration13, Mobile no.9815814999, other number 9041719270, call type incoming call, date Apr. 14, 2022, Time 16:27:24, Duration 244, Mobile No.9815814999, other number 9041719270, call type outgoing call, date Apr. 14, 2022, Time 19:07:14 duration 55. After that, the applicant Naresh Kumar and others got suspicious that the said person wanted to collect money by sending a false complaint against them. Due to which applicant Naresh Kumar and other, started collected evidence against the abovesaid persons. Then on date 14.04.2022, Nazam . Singh made the above allegations and sent another application to Senior Supdt. of Police Sangrur, which was sent through No. 3812/ P dated 29.04.2022 to Deputy Supdt. Of Police, Sangrur for investigation and regarding this Nazam Singh Versus Punjab State and others, filed a writ bearing No.CRM-M-16346 of 2022 before Hon'ble Punjab & Haryana High Court Chandigarh. Regarding the investigation of the application, on 09.05.2022, Nazam Singh joined the investigation with Deputy Supdt. of Police Sub-Division Moonak and recorded his statement that he does not want any action to be taken by the Police on this application. In this regard, Deputy Supdt. Of Police Sub Division

Munak had sent a report to your service with No. 194/5P/DSPM dated 11.05.2022, which has been received in the office. On dated 15.04.2022, Inspector Pangrain Khanuri gave a certificate to the applicant Naresh Kumar regarding payment of Pangrain's rice and non-availability of rice to the party, which is enclosed herewith. Food Supply Office Sunam, investigate the complaint of Najam Singh and after investigate, the report sent to District Manager Pangren Sangrur with number 1220 dated 16.04.2022. In which it is written that in respect of the above subject and the letter under reference, P.R. Centre, M/S K.T. at Khanuri regarding the complaint given by Najam Singh son of S. Mukhtiar Singh, resident of Bir Khurd, regarding Vice Mill, Khanuri, Najam Singh has corrected the complaint given by Najam Singh against the owner of the mill, Ramphal Sharma, son of Sh. Om Prakash, resident of Andana. The statement given by the complainant is attached. According to the statement given by the mill owner, 85739 bags of paddy total levy weight 32152 125 quintals were stored in his mill by Pangrain Agency during the procurement season 2021-22. According to this store paddy, 20536.92375 quintals of rice FCI from the miller had to be delivered. 20658.932 quintals of fortified rice including rice from Miller C.I was delivered on 17.03.2022 which FCI is correct as per the norms prescribed by and FCI. Such rice has been accepted on the grain procurement portal. Now the department does not owe any rice to him. Further, according to the miller, Ramphal Sharma

son of Mr. Om Prakash has no connection with the ownership of our mill. The letter given by Miller is attached. Further, you have to mention that according to the certificate given by Inspector Pangren, Khanuri, Mess: K.T.C. All the rice made by Rice Mill of Pangrain Agency is FCI has been paid. "Report photo state is enclosed herewith. On the basis of the report of Food Supply Officer Sunam, District Controller, Food Civil Supplies and Consumer Affairs, Department Sangrur sent the report through memo number, A-08-2022/2809 dated 04.05.2022 to the service of Hon'ble Deputy Commissioner Sahib Sangrur, whose photo is attached to the state copy.

Apart from this, the said writ petition filed by Najam Singh has been dismissed by the Hon'ble Punjab and Haryana High Court, Chandigarh on 04.05.2022, a copy of the order is attached. After that, on 16.05.2022 applicant Naresh Kumar, his brother Rajinder Kumar alias Inder, Ramphal Sharma and Munshi Sandeep Singh resident of Sinad (Haryana) were sitting in the office at the mill when Rajinder Singh son of Roshan Lal resident of Andana came in the afternoon. Rajinder Singh spoke to the applicant Naresh Kumar that a person namely Najam Singh son of Mukhtiar Singh, resident of Bir Khurd, District Mansa, has made a complaint. Najam Singh has known him for a long time, he would have intervened and settled the matter. At the same time, Rajinder Singh called Najam Singh in front of Naresh Kumar and the witnesses and talked to him by turning on the speaker of the mobile

phone. Sandeep Singh, a resident of Sinad (Haryana), had made a few seconds video clip of Rajinder Singh in his mobile phone, which is attached. After that Rajinder Singh took the applicant Naresh Kumar alongwith his brother Rajinder Kumar alias Inder, Ramphal Sharma son of Om Prakash and Munim Sandeep Singh resident of Sinad (Haryana) on his car and went to the shop of Simarsible motors which is situated at Mor Mandi, District Bathinda. Where Harjit Singh was already present, when Naresh Kumar became suspicious, he immediately recorded his mobile voice so that any evidence could be found against him. Najam Singh and Harjit Singh spoke to the petitioner Naresh Kumar and the witnesses that we are a gang and we have to complain about 4/5 cellars of Khanuri Mandi in the same way, during which they also mentioned the name of a sheller M/S Lakshmi Rice Mill and said that we will settle it by talking to the above people, but not with others and they will tell Rajinder Singh about the above person. It is to be mentioned here that the applicant Naresh Kumar told Najam Singh etc. that if you have any doubts, you can go with him and get the rice checked, but he did not say anything and did not demand any rupees. Regarding which there is a problem with voice carding. Sandeep Singh, the custodian of the application, made a few seconds video of Nazam Singh's conversation, which is readable. Then on 20.05.2022, Rajinder Singh went to Ramphal Sharma's house and talked to that Randhir Singh who is from Panchkula. That he

has spoken to Najam Singh that who is the above . person? So he said that he is a resident of, who has relatives at Anandana village. This was recorded by Ramfal Sharma in his mobile. Regarding which there is a problem with voice recording. Randhir Singh resident of Panchkula has good relations with Baljit Singh alias Jitu son of Om Prakash resident of Anudana and both of them work in property sale/ purchase. The applicant Naresh Kumar has also brought to notice that Rajinder Singh son of Roshan Lal and Baljit Singh alias Jeetu son of Om Prakash resident of Anandana have a very good relationship and both of them work only by talking to each other. According to the statement of Naresh Kumar and the witnesses, on 25.05.2022, Najam Singh, son of Rajinder Singh, son of Roshan Lal, resident of Anandan, came to the house of Andanan, then Rajinder Singh called Ramphal Sharma to his farm house to settle the matter. On which the petitioner Naresh Kumar along with Ramphal Sharma, Rajinder Kumar son of Milkhi Ram resident of Khanuri and Rohtash son of Jai Bhagwan resident of Khanuri went to the farm house of Rather Singh of Khanuri and set his mobile phone on voice recording. After which Rajinder Singh talked to Najam Singh that what do you want then Nazam Singh said that they have been told before and then Nazam Singh said that this amount is too much then talked about settling in half. When the applicant Naresh Kumar etc. said that the amount is too much, Nazam Singh said that let

him leave his share, you give 30. Then the applicant Naresh Kumar etc. said that 30 lakhs is too much, then Najam Singh threatened that you have time today and tomorrow morning to solve the matter, otherwise he will give the complaint to CM Sahib who is from his neighboring village, then do not say what happened. About 15/20 minutes after that, Rajinder Singh came to the applicant and said that he will settle the matter for Rs.20,00,000, you tell then they said that why we given the money, we will not give the money, then they left the spot. In this regard, there is a link with the voice recording. After that on 27.05.2022 and 29.05.2022, Rajinder Singh contacted the applicant and told about that he has good relations with doctors and police officers that if they give him 4/5 lakh rupees, he would by getting them medically examined by the doctors and by matching Nazam Singh's phone location with them, will file a case against Nazam Singh and others under Sections 326, 307 etc. The applicant refrained from doing such a wrong. Then Rajinder Singh threatened the applicant and said that if they do not pay this amount now, they will guess what the higher person can do. Regarding which a voice recording is enclosed herewith. After that, the applicant was convinced that the perpetrators of this conspiracy are Rajinder Singh son of Roshan Lal and Baljit Singh alias Jeetu son of Om Prakash Vasan Anandana, because Rajinder Singh alone took 4/5 lakh rupees from them wants to usurp the money alone without telling

his accomplices Nazam . Singh, Harjit Singh etc.. Nazam Singh, Harjit Singh, a resident of Canada, Bir Khurd, Rajinder Singh son of Roshan Lal, a resident of Anandana, Randhir Singh, a resident of Panchkula, and Baljit Singh alias Jitu, son of Om Prakash, a resident of Anandana, in connivance with each other formed a gang under the conspiracy and gave a false complaints to the seller and blackmailed him by giving false application, threatening other complaints and demanded money. Apart from this, they also blackmail and demand extortion by raising false complaints against the innocent seller. In which applicant Naresh Kumar has demanded action against them regarding the false claims against the owner. Apart from this, regarding the voice recording submitted by the petitioner Naresh Kumar, the pen drive was listened to by plugging the laptop. After listening to which the following things have come out:- Date of Sarkarding 16.05.2022, Time of conversation in voice record from 04:33 to 06: 10, Najam Singh is saying that a Lakshmi Rice Mill belongs to him. There is a KTC Rice Mill, but it is Lakshmi Rice which is falls in Patiala, one is his, three is another, there are 05 in total. They say we will go. No need to ask me to tell you more in detail. Lakshmi Mill came in Patra Side Patiala. Petitioner Naresh Kumar is heard saying that he has run the mill before, is he such a big scammer, earlier several stakeholders ran the cellar. Serial No. 2 Date of recording 16.05.2022, time of conversation in voice record from 09:56 to 10: 15, Harjit Singh is

heard saying that if he knew about you, he could talk to you now. Later, Najam Singh says that if Anandane's name had come to me earlier, he would have said that Khanori would have put it on your side, so I typed the application. Date of series recording 16.05.2022, time of conversation in voice record from 25:51 to 26: 15 Naresh Kumar said if you are sitting in a car You say, he does not speak, he is silent, he is wearing clothes badly, he does not speak. Yes. Series No. 4. Date of recording 16.05.2022 In the voice recording, conversation time from 27:40 to 28:26, Harjit Singh is heard saying that this statement was also written by this other person of DSP. It means that those who are blackmailing us to get 214 lakh rupees, they came by writing it, they told it to you. This blackmailer blackmailed the MLA. First, he blackmailed someone. Series No. 5. Date of recording 25.05.2022- (Time of conversation in voice record From 02:51 to 03:35) Najam Singh spoke, there was a long discussion, he couldn't digest it. Harjit Singh spoke and spoke and then he did not understand. Najam Singh said that I explained that half and brother are fine, listen to me, or else this press will come. I understand the intention, I don't take it, I can do it, I can't do anything more than that. Series No: 6 Date of recording 25.05.2022. Time of Conversation in Voice Record 04.15 to 04:55. Najam Singh said that it finished in 30 seconds. Rajinder Kumar alias Inder (brother of the applicant) said that 30 is more. Harjit Singh said, listen to me, pick at 5, and solve the matter today

evening and till tomorrow morning, after that tomorrow at 04 0'clock Rajinder Kumar alias Inder spoke to me, we will pick it up. After that, the doer could not keep anything in his hands. Rajinder Kumar Inder said that 30 is too much. Serial No. 7 Date of recording 25.05.2022- The time of the conversation in the voice record is from 4:40 to 05:22. Rajinder Singh, son of Roshan Lal said, "Uncle, pay 20 lakh rupees. On 30th, on 25th, it is okay to take 5/7 lakh. Then I said to him, I will pay on 20th." of Rajinder Kumar Inder said that we will wait for 10 minutes, I will call you in the morning, we will wait. CONCLUSION REPORT:- From my intelligence and official investigation and technical testimony, it has come to light that the petitioner Naresh Kumar son of Milkhi Ram owns a shop at Khanuri Mandi. Apart from Aarat's work, applicant K.T.C. Rice & General Mill Owner Sanjay Jindal son of Late Suresh Chand resident of Khanuri Mandi for the season 2021-22 taken on lease in name of his son Manav Singla who is studying a B.A and the applicant sees all the work of this mill. Applicant Naresh Kumar and Ramphal Sharma son of Om Prakash resident of Anandana are good friends and because of their good family relations, they keep visiting each other and they have common work in the market. But according to the statements and documents, Ramphal Sharma has no share in the said mill. According to the record, during the crop season 2021-22, 85739 bags of peddy (jeeri) including levy weight of 32152.125 quintals were

supplied to the said mill by the Department of Pangrain, out of which 81739 bags of peddy (jeeri) weighing 30652.125 quintals were allotted by the Department of Pangrain. Department FCI According to the rules of the said mill was to deliver 2053692375 quintals of rice to the department till 2022, which the mill has given FCI on 17.03.2022. 20658.932 quintals of rice was delivered to him. After that, the department did not owe any rice to the mill. On 12.04.2022, the opposing party Najam Singh son of Mukhtiar Singh, resident of Bir Khurd, District Mansa, filed a complaint with KTC. Ramphal son of Om Prakash, resident of Anandana (who has nothing to do with KTC Rim Mill) has been accused of misusing the government by mixing an old jail against Khanuri of Rice Mill Anandana - Mandvi Road was given to the Honorable Deputy Commissioner Sahib Sangrur ji regarding taking action against him. This application by the Honorable Deputy Commissioner Sahib Sangrur was sent to DFSC for investigation. Sangrur was marked and DFSC. Through investigation of the application from Sangrur, District Manager Pangrain Sangrur and Food Supply Officer Sunam were conducted. Since the investigation did not reveal anything related to the said allegations, the report was submitted to District Controller Food, Civil Supplies and Consumer Affairs Sangrur through Hon 'ble Deputy Commissioner Sahib Sangrur to take action against. C. Sangrur was marked and the application was investigated by DFSC Sangrur

through District Manager. Pangren Sangrur and Food Supply Officer Sunam. It has been sent to Hon'ble Deputy Commissioner Sahib Sangrur through Controller Food Civil Supplies and Consumer Affairs Sangrur. Meanwhile, Najam Singh has sent an application dated 14 04 2022 to Hon'ble SSP Sahib Sangrur through an application dated 14.04.2022 and one Writ Petition CRM - M - 16346 of 2022 titled as Vs Govt of Punjab and others, Hon'ble Punjab & Haryana High Court Chandigarh. Thereafter Naresh Kumar along with his relative Gagandeep Kumar alias Dimple son of Kewal Krishna resident of Cheema Mandi. Najam Singh was contacted by phone and asked to talk to him. Whereupon on 14.04.2022 petitioner Naresh Kumar along with his brother Rajinder Kumar alias Inder son of Milkhi Ram, Ramphal Sharma son of Om Prakash resident of Anandana and Gagandeep Kumar alias Nazam Singh of Dimple at the house of his partner Harjit Singh son of Jagdev Singh resident of Bir Khurd. went When Naresh Kumar told the petitioner during the conversation, he came to know that the owner of the mill is Naresh Kumar. During the conversation, the time was around 01:00, Harjit Singh after talking to some from his mobile number 90417-19270, Najarn Singh and Harjit Singh demanded and threatened Rs.01 crore from Naresh Kumar to withdraw the complaint in front of witnesses. If he does not pay this amount, they will make him fail in the essay by filling his rice sample. When Naresh Kumar refused the

application, he went there. The torture of which is based on the statements of the witnesses. Here it is worth mentioning that at around 1:00 a.m. Harjit Singh spoke from his phone number 90417 19270, first at 12:53 p.m., then at 13:05 p.m. and 13:17 p.m. Rajinder Singh son of Rashan Lal, resident of Anandan Also his phone number 98721-16598 has been changed. From which it is clear that Harjit Singh etc. has demanded 01 crore rupees from Naresh Kumar as per. Rajinder Singh's statement. Then the petitioner Naresh Kumar and the witnesses suspected that the said person wanted to collect money by blackmailing them by making a false complaint against them. Due to which the petitioner Nares Kumar etc. joined in collecting evidence against the said persons and started recording their voice. After that Najam Singh Mr. Mann S. S.P. On 09.05.2022, in relation to the investigation of the application sent by post to Sahib Sangrur, the Deputy Captain of Police Sub-Division Munak wrote his statement that he does not want to take any action on the application from the police department. After which the application was submitted to the office and the said writ was dismissed by the Hon'ble Punjab and Haryana High Court, Chandigarh on 04.05.2022. On the request of Najam Singh and Harjit Singh for an amount of Rs. 01 crore, applicant Naresh Kumar did not contact the opposing party Najam Singh etc. Then Rajinder Singh son of Roshan Lal resident of Andana came forward as an intermediary application and his meeting with

Naresh Kumar, Rajinder Kumar alias Inder son of Milkhi Ram, Ram Phal Sharma son of Om Prakash resident of Anandana and Munim Sandeep Singh resident of Samba Rajinder Kumar alias Inder son of Milkhi Ram resident of Anandana and Munim Sandeep Singh resident that someone Najam Singh son of Mukhtiar Singh resident of Bir Khurd, District Mansa has complained against them. He is well acquainted with Najam Singh. On which Rajinder Singh called Nazam Singh from his phone in front of the petitioner Naresh Kumar and the witnesses and started a conversation by turning on the speaker. It is worth mentioning here that how did Rajinder Singh son of Roshan Lal come to know that Najam Singh had joined KTC. has complained against Rice Mill, while neither the petitioner Naresh Kumar nor Ramphal Sharma son of Om Prakash has had any conversation with Rajinder Singh about this. From which it is clear that Rajinder Singh had to come forward because of the failure of negotiations with Naresh Kumar etc. on the request of Najam Singh and Harjit Singh. After which the applicant Naresh Kumar along with Rajinder Singh, his brother Rajinder Kumar alias Inder, Ramphal Sharma and Manim Sandeep Singh, resident of Seend (Haryana) was taken in his car to Najam Singh at his member's pump shop at Mau Addi, District Bathinda, where Harjit Singh was already present. Where they had a conversation with each other, the entire conversation was recorded by Naresh Kumar by installing a voice recorder in his

phone. In the recording, Nazam Singh is clearly heard and saying that he has to file a complaint against one Lakshmi Rice Mill in Patiala and 13 others for a total of 35 mills and it is also heard that he has filed an application on someone's request. Najam Singh and others did not talk about money that day. Without this, Naresh Kumar is being heard talking to opposing party Najam Singh and others about checking rice. For the record, above has already been written in detail. After that, he started contacting Rajinder Singh, Applicant Naresh Kumar and his friend Ramphal Sharma and asking them to settle the conversation. On 25.05.2022, Najam Singh came to Rajinder Singh's house, then Rajinder Singh called Ramphal Sharma and asked him to come to his Khet Wal house to settle the matter. On , which the petitioner Naresh Kumar, his brother Rajinder Kumar alias Inder, Ramphal Sharma and Rohtas Kumar son of Jai Bhagwan, resident of Anaj Mandi, Khanori, went to the farm house of Harjit Singh at Anandana. Where Nazam Singh asked Naresh Kumar to settle the petition in front of the above witnesses. After which Najam Singh and Rajinder Singh started negotiating with the petitioner Naresh Kumar and in the recording Najam Singh was also heard saying that he did not take the money that was to be given to him. After that, he asked to settle the matter for 30 lakh rupees, but the petitioner . cited that it was more. Then Najam Singh threatened that now settle within 5 or 50 otherwise he will not be left with anything in his

hand after morning nothing will remain in his hands. After that, Rajinder Singh, son of Roshan Lal, resident of Andana asks the applicant party to settle the matter for 20 lakh rupees and asks them to leave everything till morning and threatens that if he does not pay 20 lakh rupees, then his everything will be ruined by morning. Regarding which, the recording is enclosed with. After that, on 27.5.2022 and 29.05.2022, Rajinder Singh repeatedly contacted the applicant and demanded Rs. 4/5 lakh to file a false case against Najam Singh and Harjit Singh, but the applicant Naresh Kumar denied any wrongdoing and refused to pay him. According to my investigation so far, if Najam Singh gave a proper complaint against K.T.C Rice Mill, then his meeting with Naresh Kumar would not correct and then later asking for money through intermediaries. From the investigation so far, it was found that Rajinder Singh son of Roshan Lal, resident of Anandana, Najam Singh son of Mukhtiar Singh, resident of Bir Khurd and Harjit Singh son of Jagdev Singh, resident of Bir Khurd, District Mansa, in connivance with each other, by giving complaints against the applicant, blackmailed him with threats of other complaints and sought extortion and blackmailed other seller owners by blackmailing them and sought extortion from them as well. According to the above-mentioned facts, testimony, documents submitted by the applicant, voice recording and call details against Rajinder Singh son of Roshan Lal resident of Anandana, Najarn Singh son of

Mukhtiar Singh resident of Bir Khurd and Harjit Singh son of Jagdev Singh resident of Bir Khurd, District Mansa. By filing a case, a more in depth investigation of the facts should be carried out as per the following:- Which other members/officials are involved in the gang of Najam Singh etc. Apart from this, during the investigation, no direct involvement of Randhir Singh resident of Panchkula and Baljit Singh alias Jitu son of Om Prakash resident of Anandana has been revealed. During the investigation, if any reliable evidence is found against Randhir Singh resident of Panchkula and Baljit Singh alias Jitu son of Om Prakash resident of Anandana, then appropriate legal action should be taken accordingly. Deputy DA about the above facts. It is necessary to obtain a legal opinion from the legal representative. So Deputy DA After getting the legal opinion from Legal Sangrur, the Chief Officer Thana Khanuri should be issued a suitable order to take further action accordingly. The report is submitted for a suitable order.

xxx xxx xxx xxx”

3. From the allegations levelled and the role assigned to petitioner(s), it is clear that they are acting in a group with an intend to extort money. The prosecution has brought on record that as per the report received from FSL the voice samples of petitioner(s) have been matched demonstrating their *prima facie* involvement in the present case.

4. Counsel for the petitioner(s), however, claims that the allegation is only of demand and no property has exchanged hands. Thus,

the offence of extortion cannot be said to have been committed. The argument raised is misconceived. 'Extortion' as defined under Section 383 IPC read in the light of illustrations enumerated makes it amply clear that to constitute 'extortion' delivery of property is not *sine qua non*. The primary ingredient is threat and demand.

5. Keeping in view the aforesaid role assigned to petitioner(s), this Court does not find it to be a fit case for granting pre-arrest bail. As per settled law petitioner(s) are required to make out a case for invoking jurisdiction under Section 438 Cr.P.C. In ***Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565***, Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail....”
(emphasis supplied)

6. Likewise while reiterating the law laid down in Gurbaksh Singh Sibbia's case (supra), Apex Court in ***Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1*** has held that :-

“(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.”

7. The nature and the seriousness of allegations levelled against the petitioner(s) and their conduct are the relevant factors for the adjudication of the present petition.
8. In view of the aforesaid circumstances, this does not appear to be a fit case to grant discretionary relief of anticipatory bail to the petitioner(s). Consequently, the petitions are dismissed.
9. Needless to say, nothing recorded hereinabove should be construed as expression on merits of the case.
10. Pending application(s), if any, shall also stand disposed of.

August 08, 2023

ashish

Whether speaking/reasoned:

Whether reportable:

(PANKAJ JAIN)

JUDGE

Yes/No

Yes/No