

2023:PHHC:099188

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

224

**CRM-M-36028-2023**

**Date of decision : 02.08.2023**

**Sikander Singh**

**..... Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. APS Randhawa, Advocate  
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

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**PANKAJ JAIN, J. (Oral)**

Prayer is for grant of regular bail to the petitioner in FIR No.51 dated 17.02.2020, registered for offences punishable under Sections 392, 395, 379-B, 342, 120-B, 212, 216, 201, 450, 148 and 149 of IPC and Sections 25, 27, 54, 59 and 25 IB(F) of Arms Act, at Police Station Division No.6, District Ludhiana.

2. As per the allegations levelled in the FIR registered on the basis of statement made by one Harpreet s/o Gurbhej Singh alleged to be Manager of IIFL Gold Loan, it was alleged as under:-

“I after cleaning my tables went to washroom for hands and when after washing my hands came out of the room then two boys were standing at the gate of our branch who were having height of 05 feet 11 inches and they were wearing pink color sweat shirts with hoods and covered their head with the same and were wearing medical mask on their faces. Out of whom one boy kept one knife like

2023:PHHC:099188

object on my neck and the other catching hold staff member Varsha and by catching us took in the where two looters one of them was wearing money cap and other was wearing sweat shirt with hood one of whom was having some pistol type item and other was having a arm of chura type who had caught hold of me and by apprehending my companions Amit Kumar and Mohd Azarudin and made them to sit on the floor. They by hurting threats to us had taken out the Keys from the drawer and by taking me and Amit get the locks opened took away whole of the jewellery of about 30 Kgs and cash of about Rs.3 Lakhs and put in their bags and in one kit bag of our companions Amit's kit bag and dour hands were tied with the rope and by breaking up the CCTV Cameras took away the DVR alongwith them and during this one more of our branch Gurpreet Kaur also came and they also caught her and lodged all of in the inner room and took away the phones of all of us and kept the same in the outside drawer and locked branch from outside and after some time we opened the lock with the second key and came out and informed the CIA3 Branch just opposite the road. You had come at the spot. Statement has been recorded before you heard and is correct.

2. Report under Section 173 Cr.P.C. was filed which has been placed on record as Annexure P-6. Admittedly, no role was attributed to the petitioner in the same as well. Petitioner was implicated on the basis of alleged disclosure made by him which has been made part of the Continuing Special Report filed before the Court claiming as under:-

2023:PHHC:099188

“It is submitted that on 24-5-2021 Sikander Singh s/o Inderpal Singh R/o Tharu, Police Station City Tarn Taran who was in custody in FIR No. 97 dated 12-5-2021 Under Section 21/61/85 NDPS Act at Police Station City-2 Khanna during investigation made disclosure statement that Jaipal Bhullar is good friend of mine and due to trust, I used to manage his entire money and Jaipal Bhullar used to call me and tell me to collect money in the car and that I used to go on a car and collect money from the disclosed place and keep money with myself. And after some days, Jaipal used to come and take away the money from me and Jaipal used to tell everything to me. That when Jaipal and his accomplices looted 30 Kg gold from Ludhiana, Jai Pal had handed over some gold to me and I kept the same in my house. That after some days, Jai Pal came to my house and told me to weigh the gold kept in my house and said that this gold will be given to his father Bhupinder Singh R/o Mohalla Dashmesh Nagar, near Baghi Hospital, Ferozepur City. And on weighing the same, it came out 1250 Grams of gold. After putting the gold in a bag, went to Feorzeur on Jaipal's car, where we met his father Bhupinder Singh and we handed over bag containing gold to him and Jaipal told his father to manage their day household expenses after selling gold in parts. That regarding above mentioned investigation one letter No. 41030 AC-3 dated 23.5.2021 was received in the Police Station. And on the basis of above mentioned Letter (1) Sikander Singh w/o Inderepal Singh R/o Mohalla Dashmesh Nagar, Near Baghi Hospital, Ferozepur are nominated as an accused in the present case.”

2023:PHHC:099188

3. Counsel for the petitioner submits that the petitioner is in custody since 03.06.2021. It has been contended that extra judicial confession suffered by the petitioner is not admissible in evidence at the first instance. Even if the contents of the special report are taken to be gospel truth even then it is evident that neither the petitioner was part of the dacoity nor he is a beneficiary. The only allegation is levelled against him is that he is one who transported the property robbed to the father of main case accused Jaipal Singh.

4. Per contra, counsel for the State submits that the petitioner is hardcore criminal having around 13 cases including those involving serious offences like murder, dacoity etc. and those punishable under Section NDPS Act.

5. Faced with the situation, counsel for the petitioner further relies upon order passed in **CRM-M-6163-2021** dated 16.02.2021, whereby co-accused Gurpal Singh @ Bunt, order dated 25.03.2021 passed in **CRM-M-12672-2021**, whereby co-accused Pardeep Singh, that dated 10.10.2022 passed in **CRM-M-8910-2021**, whereby Gursewak Singh have been ordered to be admitted to bail and claims parity. Counsel also relies upon **Prabhakar Tewari Vs. State of UP and Anr., 2020 (1) RCR (Criminal) 831** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed on **Maulana Mohd. Amir Rashadi Vs. State of UP (SC), 2012(2) SCC 382**.

6. In view of above, without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on

2023:PHHC:099188

regular bail on his furnishing bail/surety bonds to the satisfaction of the  
Ld. Trial Court/Duty Magistrate, concerned.

7.           Needless to say nothing recorded herein shall be construed  
to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)  
JUDGE

02.08.2023  
Dinesh

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |