

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

CRM-M-39652-2022 (O&M)

Date of Decision: 31.08.2023

Sant Jarnail Dass

....Petitioner

versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr. Gautam Dutt, Advocate and
Mr. Farhad Kohli, Advocate for the petitioner.

Mr. Luvinder Sofat, D.A.G., Punjab.

Mr. Sangram Saron, Advocate with
Ms. Shubreet Kaur, Advocate,
Mr. M.B. Rajwade, Advocate for the complainant.

Deepak Sibal, J.

1. The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.154 dated 07.11.2019 registered under Sections 302/120-B/34 IPC and Sections 25/27 of the Arms Act (Offence under Sections 201 and 411 IPC and Sections 54/27 of the Arms Act, 1959 added later on) at Police Station Sadar Kotkapura, District Faridkot.

2. Sant Gagan Dass informed the police that on 07.11.2019 when he along with Gurdev Singh, Granthi Suba Singh and Sant Dayal Dass were sitting in the verandha of Dera Har Ka Dass in village Kot Sukhiya (for short – the Dera) 02 young men came on a motorcycle and after inquiring as to who out of the 03 persons was Sant Dayal Dass shot him dead. He

suspected that the petitioner was behind the murder as the petitioner had a long standing grudge against the deceased.

3. After lodging the FIR in question the police constituted a Special Investigation Team headed by SP (Detective), Faridkot (for short – 1st SIT) and started to investigate the matter which included viewing of CCTV footage of the Dera and recording of statements of the disciples of the deceased. After such investigation the 1st SIT concluded that prior to the murder of the deceased co-accused Amarjit Singh @ Makhan and Harmeet Singh @ Rubal had conducted a recce of the Dera. Thereafter, co-accused Amrik Singh @ Sheru and Lakhwinder Singh @ Lakha had come on 07.11.2019 on their Bajaj Pulsar Motorcycle and shot dead the deceased. The Punjab police then came to know that co-accused Amrik Singh @ Sheru and Lakhwinder Singh @ Lakha had been arrested by the Madhya Pradesh police in FIR No.483 dated 28.11.2019 registered under Sections 307/353/332/34 IPC and Sections 25/27 of the Arms Act at police station Gathour, district Mandsour (Madhya Pradesh) and that from their possession a 7.26 mm pistol and .45 bore revolver had also been recovered. After procuring production warrants the Punjab police arrested Amrik Singh @ Sheru and Lakhwinder Singh @ Lakha. Their interrogation revealed that the weapons recovered from them by the Madhya Pradesh police had been used by them to murder the deceased and that they had been supplied to them by co-accused Navtej Singh @ Bhola to whom these weapons had been supplied by co-accused Sukhprit Singh @ Budha and Sukhdool Singh @ Dulla @ Sukha. Co-accused Amrik Singh @ Sheru and Lakhwinder Singh @ Lakha were then identified by the complainant to be the 02 young men who had shot dead the deceased on 07.11.2019. Such

identification was through a test identification parade conducted in the Court premises of the Chief Judicial Magistrate, Faridkot. On the basis of the statements of co-accused Amrik Singh @ Sheru and Lakhwinder Singh @ Lakha the motorcycle which was used in the crime was also fished out from a nearby canal. The motorcycle was then matched with the CCTV footage collected from the Dera. Thereafter, co-accused Amarjit Singh @ Makhan and Harmeet Singh @ Rubal were arrested. The petitioner could not be joined in investigation as he continued to abscond and this was in spite of the fact that in this regard, on 27.12.2019, the Punjab police had issued a look out circular (for short – LOC)

4. Qua the co-accused who had already been arrested and with regard to whom investigation was complete, the Punjab police then filed a report under Section 173 Cr.P.C. before the trial Court. In such report the petitioner was referred to as the prime suspect but it was further stated therein that investigation qua him could not be completed as he was absconding.

5. On 03.05.2021 the police arrested co-accused Navtej Singh @ Bhola and filed another report under Section 173 Cr.P.C. with regard to his involvement in the crime but since by that time also the petitioner continued to abscond, investigation qua his role remained pending.

6. On 30.09.2021 one Sohan Dass who claimed himself to be a disciple of the petitioner filed a representation to Deputy Inspector General of Police, Faridkot Range, Faridkot, which was marked to Senior Superintendent of Police, Moga and in turn to Deputy Superintendent of Police (Headquarters), Moga, who, without associating the petitioner, through his inquiry report dated 18.10.2021 declared the petitioner to be

innocent. Such report was also approved by the DIG, Faridkot Range, Faridkot on 16.11.2021 and on the basis thereof, on 23.11.2021, the petitioner's innocence was formally declared.

7. In the meanwhile, in the trial being faced by the petitioner's co-accused the complainant appeared as PW1 and through his statement gave details with regard to the petitioner's involvement in the crime on the basis whereof the petitioner was summoned by the Trial Court under Section 319 Cr.P.C. to face trial alongwith his co-accused. It is at that stage that the petitioner knocked the doors of this Court through the instant petition seeking therein anticipatory bail.

8. Since, one of the primary grounds raised by the petitioner to seek anticipatory bail was him having been declared to be innocent by the police, this Court directed SSP, Moga to file an affidavit detailing therein the reasons as to why the petitioner had been declared to be innocent. Such affidavit was filed but the same was found to be vague. Therefore, as also because in a murder case the prime suspect had been declared to be innocent, the Inspector General of Police, Faridkot Range was directed to look into the matter and then file his own affidavit. For such purpose the Inspector General of Police, Faridkot Range constituted a SIT headed by Gagnesh Kumar, SP (Investigation), Faridkot (for short – 2nd SIT).

9. On 30.12.2022 the 2nd SIT was re-constituted by the Inspector General of Police, Faridkot Range on the ground that the officers who were members of the SIT were already over burdened. The newly formed SIT (for short - the 3rd SIT) was now headed by Manmeet Singh, SP (Headquarters), Moga.

10. In the meanwhile, the complainant filed a petition before this Court being CWP-2018-2023 through which he sought transfer of the investigation in the FIR in question to an independent authority. On being put to notice the State appeared before this Court and stated that a fresh SIT headed by R. S. Dhillon, DIG, Ferozepur Range (for short – the 4th SIT) had now been constituted to look into the matter. Apparently, the constitution of the 4th SIT satisfied the complainant and therefore, he withdrew his petition.

11. On 06.03.2023, DIG, Ferozepur Range, Ferozepur again re-constituted the SIT and the new SIT (for short- the 5th SIT) was now headed by Randhir Kumar, SP/Investigation, Ferozepur.

12. On being summoned by the 5th SIT the petitioner knocked the doors of this Court through CWP-6123-2023- *Jarnail Dass v. State of Punjab and others*, challenging therein the constitution of the 5th SIT and his summoning by it. However, such petition of his was dismissed as withdrawn on 17.04.2023 with liberty to the petitioner to take recourse to any alternative remedies that may be available to him.

13. The 5th SIT repeatedly summoned the petitioner but he appeared before it only once and that too alongwith his lawyer. After considering the available evidence the 5th SIT found the petitioner to be the main conspirator behind the murder of Sant Dayal Dass and in its report the 5th SIT also noticed the petitioner's non-cooperative attitude.

14. In the meanwhile, in the course of the afore investigations some evidence came to the fore that the petitioner had got himself declared to be innocent by paying bribe of Rs.1 crore. Irregularities in the inquiry which had declared the petitioner innocent were also found. Therefore, the

State wrote to its Home Department to take appropriate action against DSP Ravinder Singh who was the Inquiry Officer who had declared the petitioner innocent as also against Surjit Singh who was the then DIG, Faridkot Range and was the officer who had approved the findings of innocence qua the petitioner. In this regard the State also wrote to its Vigilance Department to investigate the matter as to whether the petitioner had procured his innocence through corrupt means.

15. On a complaint made by Sant Gopal Dass an FIR bearing No.64 dated 02.06.2023 under Sections 7, 7A, 8, 13(1)(b) of Prevention of Corruption Act, 1988 read with Section 120-B IPC has also been registered at police station Sadar Kotkapura, district Faridkot against some of the members of the 2nd SIT in which allegations are of them having demanded and received bribe to falsely implicate the petitioner. This matter is still under investigation.

16. The police has also registered FIR No.235 dated 07.07.2023 under Section 409 IPC at police Station City Faridkot in which the allegations are with regard to loss of the police file pertaining to investigations conducted in the FIR lodged against the petitioner and his co-accused. The investigation in this case is also pending.

17. On 18.07.2023, this Court adjourned the present petition to 24.07.2023 and in the meanwhile sought information from the State with regard to the action taken by the police in the afore referred FIR No. 64 dated 02.06.2023 registered under Sections 7, 7A, 8, 13(1)(b) of Prevention of Corruption Act, 1988 read with Section 120-B IPC at police station Sadar Kotkapura, District Faridkot and FIR No.235 dated 07.07.2023 registered under Section 409 IPC at police Station City Faridkot. Such

order of this Court was challenged by the petitioner before the Supreme Court through *Special Leave to Appeal (Crl.) No.9358 of 2023 – Sant Jarnail Dass Vs. The State of Punjab* which petition of his was disposed of on 11.08.2023 after recording therein observations that interim order dated 18.07.2023 does not affect the merits of the petitioner's case for the grant of pre-arrest bail. The Supreme Court further granted liberty to the petitioner to raise all the contentions and pursue his present petition as also requested this Court to decide the petitioner's petition expeditiously.

18. Learned counsel for the petitioner submits that the petitioner is a 70 year old man with no other criminal antecedents; after the petitioner had joined the investigation process the police declared him innocent and that he has only been summoned under Section 319 Cr.P.C. to face trial with his co-accused; there is no evidence against the petitioner except disclosure statements of co-accused which are not admissible in evidence; there is no motive on the part of the petitioner to conspire to murder Sant Dayal Dass as with regard to disputes between them he had taken recourse before the Civil Court; even before the 5th SIT the petitioner has joined investigation; the petitioner was never sought to be arrested during the entire process of investigation; therefore, at this stage, when the investigation is over there would be no useful purpose served to arrest him and that after 04 years of the lodging of the FIR there is no reason to put the petitioner behind the bars.

19. On the other hand the learned State counsel sought the petitioner's custodial interrogation by submitting that the petitioner is the main conspirator behind the deceased's murder; for nearly 04 years the petitioner has not cooperated with the investigating agencies; for the initial

3½ years the petitioner absconded; only after there was an interim stay with regard to his arrest did he appear before the 5th SIT but only alongwith his lawyer; even when he appeared before the 5th SIT he did not cooperate with the investigating agency; there is evidence that the petitioner had got himself declared innocent through corrupt means; in the case in hand there is involvement of at least 03 dreaded gangsters namely Sukhprit Singh @ Budha, Sukhdool Singh @ Dula and Navtej Singh @ Bhola as also are involved 02 known hitmen namely Lakhwinder Singh @ Lakha and Amrik Singh @ Sheru and that as to how the petitioner came in contact with the afore persons and how much money did he pay to them is something which needs a deep probe.

20. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

21. The conclusion arrived at by the 5th SIT reads as under :-

“10 Conclusion Report of the current SIT :

From the investigation, the following facts have come into light:-

1. *During the investigation, it was found that on 7.11.2019, Sant Gagan Dass, Sant Dayal Dass, Gurdev Singh r/o Dubli Tehsil Patti District Taran Tarn, Granthi Suba Singh r/o village Rode District Moga and Sant Dayal Dass were sitting in the verandah of Dera after giving fodder to the cows and out to take rice and at about 4.00 PM in the evening, two unknown persons came and they after taking out pistols have fired shots to Sant Dayal Dass and thereafter fled away from the spot on their motor cycle. On the same day, on the statement of Sant Gagandass, the case has been registered against two unknown persons and against Sant Jarnail Dass r/o Kapure Ke.*

2. *During investigation, it was found that the Reiki of the occurrence was done by Harmeet Singh alias Rubal son of Jagtar Singh r/o village Kapure District Moga, Amarjit Singh alias Makhan son of Gurmeet Singh r/o village Chugawan, District Moga. Sant Dayal Dass was killed by shooters Lakhwinder Singh alias Lakha son of*

Baltej Singh r/o village Nathewala now at village Nawan Killa District Faridkot and Amrik Singh alias Sheru son of Lekh Raj Singh r/o village Jaimal Wala District Moga. The Motorcycle and ammunition were provided by Navtej Singh alias Bholla, Sukhpreet Singh alias Budha and the conspiracy of murder has been done by Sant Jarnail Singh r/o Dera/Gaushala Kapure District Moga. Sukhdool Singh alias Dulla alias Sukha Duneke was also found to be accused as he has in touch with Sant Jarnail Das and guided the shooters and other co-accused to commit the crime. Harmeet Singh alias Rubal, Amarjit Singh alias Makhan, Lakhwinder Singh alias Lakha, Amrik Singh alias Sheru, Navtej Singh alias Bholla and Sukhpreet Singh alias Budha have already been arrested and Harmeet Singh alias Rubal, Amarjit Singh alias Makhan are on regular bail. Sukhdool Singh alias Dulla alias Sukha Duneke has been found to be residing in foreign country, who is yet to be arrested.

3. *It was found that Harmeet Singh alias Rubal r/o Kapure and Amarjit Singh alias Makhan r/o Chugwan used to visit Dera/Gaushala. Their bad character was in the knowledge of Sant Jarnail Singh and in order to commit murder of Sant Dayal Dass, Sant Jarnail Dass has offered them the amount of Rs.3/4 Lacs. The cousin sister of Harmeet Singh alias Rubal, r/o Kapure Ke was married with the brother of Gangster Sukhdool Singh alias Dulla alias Sukha Dune Ke and due to that reason Harmeet Singh alias Rubal was having good relations with Sukhdool Singh alias Sukha Duneke. Harmeet Singh alias Rubal is also having relations with Lakhwinder Singh alias Lakha son of Baltej Singh r/o village Nathewala now at village Nawan Killa District Faridkot and Harmeet Singh alias Rubal and Lakhwinder Singh alias Lakha have done conversation of Sant Jarnail Dass with Sukhdool Singh alias Dulla alias Sukha through Whatsapp. On asking of Sukhdool Singh alias Dulla, Sukhpreet Singh alias Budha along with Navtej Singh alias Bholla r/o Ransinh had provided pulser motorcycle and ammunition to Lakhwinder Singh alias Lakha and Amrik Singh alias Sheru. It was also found that Harmeet Singh alias Rubal r/o Kapure and Amarjit Singh alias Makhan r/o Chungwa have done Reiki of Sant Dayal Dass on 05.11.2019 and 07.11.2019 in the Dera/Gaushala Kot Sukhiya and on 07.11.2019 Lakhwinder Singh alias Lakha and Amrik Singh alias Sheru have come on pulser motor cycle in the Dera and murdered Sant Dayal Dass by firing at him. On identification of Lakhwinder Singh, Pulser motorcycle has been*

recovered from the river of Raara Sahib and the ammunition and arms used in the occurrence were recovered from the area of PS Garouth, District Mandsor, M.P.

4. *During investigation, it was also found that Baba Harka Dass was the first Incharge of Dera Baba Harka Dass Kot Sukhiya, thereafter Sant Mohan Dass and after that Sant Bhagwan Dass remained the Incharge of the Dera. Sant Bhagwan Dass died in the year 2008 and after that Sant Hari Dass, Dera Baba Harka Dass Kot Sukhiya became the Incharge of the Dera, but Bhagat Ram one of the Chela of Sant Jarnail Dass by alleging himself as Incharge of the Dera has filed a case before Assistant Collector against Sant Hari Dass and the same was decided in favour of Sant Hari Dass on 27.02.2019. Against the said order, Bhagat Ram has filed appeal before District Collector Faridkot which has been dismissed on 11.05.2010. In the said case, Sant Jarnail Dass extended help to his Chela Bhagat Ram and from the side of Sant Hari Dass, his Chela Sant Dayal Dass (who was murdered) was pursuing the matter. It is correct that the sister of Sant Jarnail Dass was married with brother of Sant Dayal Dass and as such they both were relatives, but at the same time, Sant Jarnail Dass wanted to be Incharge of Dera Kot Sukhiya and as such he got filed a case from his Chela Bhagat Ram against Sant Hari Dass. Furthermore the dispute regarding the Gaushala Dera situated at village Panjgarain Khurd, Tehsil Bagha Purana District Moga was also pending between Sant Hari Dass and Sant Arjan Muni and in this case also from the side of Sant Hari Dass, Sant Dayal Dass pursuing the matter and Sant Jarnail Dass helped Sant Arjan Muni.*

5. *It was further found that Sant Hari Dass and Sant Jarnail Dass were having cordial relations till the year 2008 and Sant Hari Dass also had given general power of attorney dated 27.8.2008 to Sant Jarnail Dass, but after two months, on 27.10.2008 the said general power of attorney was cancelled and thereafter on 5.5.2019, special power of attorney containing number of authorities has been executed in favour of Sant Dayal Dass and due to that reason, Sant Jarnail Dass was nourishing grudge against Sant Dayal Dass. There are also other number of Deras attached with Dera Harkadass Kot Sukhiya and everything has been managed/controlled through Dera Kot Sukhiya and due to that reason, Sant Jarnail Dass want to overpower Dera Harka Dass Kot Sukhiya and he knew It very well that Sant Haridass was old aged person and after his demise, Sant Dayal Dass would*

become the Incharge of Dera and as such in order to achieve his illegal goal, Sant Jarnail Dass with the help of anti-social elements/boys, murdered Sant Dayal Dass.

6. The main motive of Sant Jarnail Dass is to get Dera Kotsukhiya. It also came into light that in the year 2012 Sant Jarnail Dass also occupied Dera Baba Gopal Dass village Kot Sukhiya, but villagers opposed the same and as such Jarnail Dass backed out. Sant Jarnail Dass is the main master mind for committing murder of Sant Dayal Dass and is the main accused. Sant Jarnail Dass has planned the murder of Sant Dayal Dass through the help of accused Lakhwinder Singh alias Lakha, Harmeet Singh alias Rubal and Amarjit Singh alias Makhan. Accused Lakhwinder Singh alias Lakha and Harmeet Singh alias Rubal used to visit Sant Jarnail Dass in Dera Kapure and they in connivance with Sukhdool Singh alias dulla alias sukha Dune Ke and Sukhpreet Singh alias Budha also had committed several occurrences earlier. From the above entire investigation, it is clear that Sant Dayal Dass was murdered by the conspiracy hatched by Sant Jarnail Dass and Sant Jarnail Dass is the main mastermind of the said murder.

7. Sant Jarnail Dass r/o Dera/Gaushala village Kapure District Moga had filed an application through his Chela Sohan Dass on 30.9.2021 for declaring him as innocent to the then DIG Faridkot Range, Faridkot and Sant Jarnail Dass has been declared innocent on 18.10.2021 on the pretext that Sant Jarnail Singh is not greedy person and he had spent his 7.5 acres land owned by him for the care of Gaushala. He had great respect in the surrounding areas. Further Sant Dayal Dass is the brother of brother-in-law of Sant Jarnail Dass and he had no enmity with Sant Dayal Dass nor any case is pending between them nor Sant Dayal Dass is Incharge of any Dera. Ravinder Singh then DSP HQ Moga had also written in his report that if Sant Jarnail Dass had any greed, then he must got murder of Baba Hari Dass of Dera Harkadas Kot Sukhiya whereas Sant Dayal Dass is one of the normal sewadar in the said Dera. Furthermore the family member of deceased Sant Dayal Dass had no doubt on Sant Jarnail Dass. Thus, it was found that DSP Ravinder Singh instead of inquiring the facts about the murder, has based his investigation on the character of Sant Jarnail Dass and on the basis of wrong facts, declared him as innocent. However, at that time also, there were 5-6 criminal cases pending against Sant Jarnail Dass.

8. That the complainant of FIR Sant Gagandass at the time of his evidence, has named Sant Jarnail Dass as main conspirator of murder of Sant Dayal Dass and the prosecution on the basis of his evidence also moved application dated 27.5.2022 for summoning Sant Jarnail Dass as accused in the court. On the instructions of Sant Jarnail Dass, accused Harmeet Singh alias Rubal, who had done Reiki of Sant Dayal Dass at the time of murder and was on bail, on 4.6.2022 by filling reply in the court, had opposed the summoning Sant Jarnail Dass, which clearly indicates their relations, The Hon'ble Court vide order dated 7.7.2022 has summoned Sant Jarnail Dass u/s 319 Cr.PC, Sant Jarnail Dass had filed CRR 2185/2022 and CRM-39668/2022 in the Hon'ble Punjab & Haryana High Court at Chandigarh against the summoning order and in which the next date of hearing is on 06.09.2023. Sant Jarnail Dass also filed CRM-M-39652/2022 in the Hon'ble Punjab & Haryana High Court for pre-arrest bail in which the next date of hearing is 18.07.2023. He has been granted interim bail from the Hon'ble High Court and the next date of hearing for filing reply is 18.07.2023.

9. It was found that Sant Jarnail Dass was having prior criminal conspiracy in order to commit murder of Sant Dayal Dass and as such he joined Harmeet Singh alias Rubal r/o Kapure and Amarjit Singh alias Makhan r/o Chugwan in his conspiracy who used to visit Dera Kapure Moga and thereafter through Harmeet Singh alias Rubal, he contacted Sukhdool Singh alias Dulla alias Sukha Dune Ke and Lakhwinder Singh alias Lakha and achieved his goal for murdering Sant Dayal Dass. Harmeet Singh alias Rubal and Amarjit Singh alias Makhan r/o Chugwa have done the work of Reiki in Dera Kot Sukhiya. On the asking of Sukhdool Singh alias Dulla alias Sukha r/o Dune Ke, Gangster Sukhpreet Singh alias Budha r/o Kussa and Gangster Navtej Singh alias Bholla r/o Ransinh have provided pulser motor cycle and ammunition to Lakhwinder Singh alias Lakha and Amrik Singh alias Sheru, who on 07.11.2019 murdered Sant Dayal Dass by firing shots.

11 **Recommendation**

From the entire investigation, it is crystal clear that Sant Jarnail Dass is found to be the main conspirator amongst all the accused persons for committing murder of Sant Dayal Dass who was sewadar of Dera Harkadass Kot Sukhiya PS Sadar Kot Kapura District Faridkot. During the investigation, Sant Jarnail Dass was summoned and investigation was also conducted from him. He joined the

investigation along with his Advocate, but did not cooperate with the investigation. Thus, in order to know about the truth, his custodial interrogation is utmost required. From the investigation, Sant Jarnail Dass is proved to be the main conspirator, but during earlier investigation, Ravinder Singh DSP(HQ) Moga had declared him as innocent on the basis of frivolous investigation (wrong facts). On the basis of facts which came out against Sant Jarnail Dass, approval may kindly be granted to re-nominate him as accused in this case please."

(emphasis supplied)

22. The investigation qua the petitioner remains pending. In the investigation conducted so far, the petitioner is the prime suspect in the murder of Sant Dayal Dass. He is alleged to have conspired with dreaded gangsters and known hitmen to murder Sant Dayal Dass to wrest control of the Dera – a property said to be worth several crores of rupees. The hitmen and gangsters allegedly hired by the petitioner are those who are already involved in several criminal cases. As to how the petitioner got in touch with these hitmen/gangsters; the mode and manner of the settlement/transfer of the blood money allegedly paid by the petitioner to these co-accused of his; if the petitioner had/has any direct links with them and details of the motive, if any, behind the murder of Sant Dayal Dass are some of the issues on which light can be shed only after the petitioner's custodial interrogation. These issues are inclusive and not exhaustive.

23. Further, in the FIR in question, which was lodged on 07.11.2019, the petitioner was specifically named as the prime suspect behind Sant Dayal Dass's murder. Thereafter, for nearly 3½ years, the petitioner absconded. He did not join the investigation process and this was in spite of the issuance of a LOC by the State requiring the petitioner presence before the investigating team. After over 3½ years of the lodging

of the FIR in question and only after the petitioner had interim protection with regard to stay of his arrest did he appear before the 5th SIT but that too in the company of his lawyer. However, even during such appearance, as per the report of the 5th SIT, he did not cooperate with the investigating agency.

24. The petitioner's conduct of having absconded for the initial 3½ years after lodging of the FIR in question and his uncooperative attitude towards the investigation are also factors to deny him anticipatory bail.

25. The submission made on behalf of the petitioner that he had been declared innocent by the police and because he has only been summoned under section 319 Cr.P.C., he should be granted anticipatory bail needs to be considered only to be rejected. The inquiry on the basis whereof the petitioner pleads his innocence was admittedly an inquiry done by an officer who was not the investigating officer. Meaning thereby, it was a parallel inquiry which was undesirable. It is also not disputed that during the course of such inquiry the petitioner was never associated. Therefore, it is difficult to comprehend as to how the prime suspect in a murder case was declared innocent without having been even questioned. The 5th SIT has also found the said inquiry to be irregular and in this regard the State has written to its Home Department to take departmental action against the author of the report as also the authority which approved it.

26. Further, during the course of investigation, evidence has surfaced that the inquiry declaring the petitioner to be innocent was procured by him through corrupt means. In this regard the State has already written to the Vigilance Bureau, Punjab to further investigate the matter.

27. Interestingly, the petitioner is the only beneficiary of the afore inquiry declaring him to be innocent.

28. Then there is FIR No. 235 dated 07.07.2023 registered under Section 409 IPC at police Station City Faridkot in which the matter with regard to loss of the entire police file in the FIR lodged against the petitioner and his co-accused is pending.

29. The above are also the reasons which weigh with this Court to reject the petitioner's plea for the grant of anticipatory bail.

30. Dismissed.

31. It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

31.08.2023
gk/sunil yadav

(Deepak Sibal)
Judge

Whether speaking/reasoned : Yes/ No

Whether reportable : Yes/ No