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(215)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48223-2023 (O&M)
Date of Decision: 09.10.2023

RANBIR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Baljet Singh Sidhu, Sr. Advocate with
Mr. Tarun Jhatta, Advocate
Mr. Chandan Singh, Advocate and
Mr. Divij Dutt, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

This 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing G.D. No.28 dated 26.10.2017 registered under Section 58 of the NDPS Act, 1985 and Sections 166-A, 218, 195, 120-B IPC, 1860 in case FIR No.39 dated 21.09.2016 registered under Section 22 of the NDPS Act, 1985 at Police Station Sadiq, District Faridkot.

2. The brief facts of the case are that initially, an FIR No.39 dated 21.09.2016 was registered against Mandeep Singh son of Gurcharan Singh with the allegations that the Police party headed by ASI Baldev Singh comprising the petitioner, HC Ranveer Singh and PHG Partap Singh while on patrolling duty had apprehended Mandeep Singh and had recovered 1000 tablets of MAIDOTIL from his possession.

3. Mandeep Singh had filed a petition under Section 439 Cr.P.C. bearing No.CRM-M-6693-2017 and had claimed false implications at the instance of a private witness Davinder Singh. During the hearing in the said petition, this Court had passed the following order:-

In the aforesaid circumstances, I consider it appropriate to admit the petitioner to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the Learned Chief Judicial Magistrate/Duty Magistrate. Further, exercising jurisdiction under Section 482 CrP.C, it is directed that the Inspector General of Police, Internal Vigilance, Punjab Police, carries out on investigation and furnishes his/her personal affidavit in support of such investigation, by the next date of hearing in this case.

4. In compliance with the above-said order, after an investigation into the matter, IGP-IV, Punjab, Chandigarh had filed a status report by way of an affidavit dated 26.05.2017 before this Court with the following recommendation:-

In view of above, it is recommended that FIR No.39 dated 21.09.2016 under section 22 NDPS Act of Police Station Sadiq, Faridkot may be cancelled. Further a criminal case under section 58 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 166-A, 218, 195, 120-B IPC by registered against ASI Baldev Singh No.68/Fdk, ASI Kuldeep Kumar No.51/Moga, HC Ranbir Singh (present petitioner) and Davinder Singh, Sarpanch, son of Gamdoor Singh Village Sangatpura, District Faridkot and regular department enquiry be conducted against MHC Bohar Singh, Police Station Sadiq.

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5. On 30.05.2017, while disposing of CRM-M-6693-2017, this Court had passed the following order:-

Pursuant to the orders dated 16-3-2017 and 17-5-2017, a status report by way of an affidavit of Sh. Tejinder Pal Singh Sandhu, IGP Internal Vigilance Cell, Punjab, has been filed in court today by learned State Counsel. A perusal of the detailed status report shows that a thorough enquiry has been conducted by the IGP, eventually finding that ASI Baldevi Singh, ASI Kuldip Kumar, Nigh MHC Ranbir Singh and Davinder Singh, Sarpanch of Village Sangatpura, District Faridkot were in collusion with each other to get a false FIR registered against petitioner, Mandeep Singh i.e. FIR No.39 dated 21-9-2016, at Police Station Sadiq and as per the enquiry report, a recovery of 1000 tablets of Maidotil were plained upon the petitioner.

The efforts of the IGP in conducting such a detailed enquiry, by joining more than 40 witnesses, needs to be appreciated.

Obviously upon the aforesaid status report having been submitted to this Court, action as is to be initiated against the erring police officials and the Sarpanch named in the enquiry, would be taken.

It is directed that the enquiry pursuant to the action to be initiated would be investigated by the Crime Branch of the Punjab Police.

In view of the status report of the IGP, the interim order dated 16-3-2017 granting bail to the petitioner, is made absolute.

6. Pursuant to the directions of this Court, the Director Bureau of Investigation, Punjab Chandigarh entrusted the investigation of the case to the Assistant Inspector General of Police, Crime Zone, Bathinda. After a detailed and comprehensive investigation, DDR No.28 dated 26-10-2017 for

the offences under Section 58 of the NDPS Act read with 166-A/195/120-B IPC against ASI Baldev Singh, ASI Kuldip, HC Ranbir Singh (petitioner) and Davinder Singh (Sarpanch) came to be recorded treating Mandeep Singh, the original accused as a victim. Voluminous record was brought on record incriminating the said accused on the basis of the statements of Mandeep Singh son of Gurcharan Singh, Gurmeet Singh, Chowkidar, Sartaj Singh son of Darshan Singh, Varinder Singh alias Vinda son of Harpal Singh, Gurpreet Singh son of Ajaib Singh, Mukhtiar Singh son of Mia Singh, Gurdeep Singh son of Chanan Singh, Pritam Singh son of Harnek Singh, Balbir Singh son of Bahal Singh, Davinderpal Singh son of Baljinder Pal Singh, Amandeep Kaur wife of Jagsir Singh and Kulwant Kaur wife of Manjit Singh all resident of Village Sangatpura.

7. The incumbent Investigating Officer/AIG, Bathinda had come to the conclusion that on 21.09.2016 at 05.15 AM, the Police team headed by ASI Baldev Singh had gone to the Village Sangatpura. The police team visited the house of the Chowkidar who was not present there. A call was made to the Chowkidar Gurmeet Singh and accompanied by him, a raid was conducted at the house of Mandeep Singh (victim) son of Gurcharan Singh (victim) but nothing objectionable was found from his possession. However, Mandeep Singh has been taken away by the police party to the Police Station at 06.30 AM. The mobile call details indicated that Manjot Kaur wife of Mandeep Singh had made mobile calls to her mother-in-law of Paramjit Kaur and had narrated the arrest of her husband by the police. Subsequently, Paramjit Kaur had made several calls to various police officers to inquire about the reason behind the arrest of her son Mandeep Singh. As per the

police file, the recovery of 1000 tablets of MAIDOTIL was allegedly made from the possession of Mandeep Singh (victim) and the recovery memo was purportedly attested by the petitioner and co-accused Davinder Singh (Sarpanch). The investigation further unearthed that this FIR had been registered with the active connivance of the Sarpanch (Davinder Singh), the so-called recovery witness. This was evident from mobile phone record showing that ASI Baldev Singh was in touch with Sarpanch Davinder Singh at 06.58 AM. It was found that the victim-Mandeep Singh, a drug addict had been picked up from his house in the early morning and implicated in this case. The accused Sarpanch (Davinder Singh) in connivance with IO/ASI Baldev Singh had played a key role in implicating Mandeep Singh.

8. During the course of further investigation by SP, Crime Bathinda, co-accused ASI Kuldip Kumar was exonerated vide DDR No.23 dated 17.11.2022. However, ASI Baldev Singh was arrested on 09.09.2021, Davinder Singh (Sarpanch) was apprehended on 25.10.2021 whereas the petitioner was arrested on 09.11.2021. After which the report under Section 173 Cr.P.C. was presented against the accused.

9. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The inquiry conducted by the IG (IVC), Punjab was based on mobile call details i.e. 97804-95225 but the said mobile number was in the name of Harjinder Singh son of Gurmail Singh. The statement of Gurcharan Singh father of the original accused Mandeep Singh had been recorded in which case he had admitted that he had paid Rs.1,00,000/- to Jassa Singh Pardhan and Sukhwinder Kaur for cancellation of the present FIR. Mandeep Singh and his family members had a number of

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cases registered against them. All the offences were bailable other than Section 195 IPC. In fact, for the initiation of proceedings under Section 195 IPC, the procedure under Section 340 Cr.P.C. was to be adopted which had not been done in the present case. Under Section 58 of the NDPS Act, the maximum sentence was 02 years and the petitioner had already undergone almost 01 year and 11 months of custody. As the petitioner was in custody since 09.11.2021 and only 01 of the 24 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

10. A short reply dated 23.03.2023 by way of an affidavit of Jasmeet Singh, PPS, Deputy Superintendent of Police, Sub Division, Faridkot has been filed on behalf of the State by the learned counsel for the State. The same is already on record. While referring to the reply, he contends that serious allegations have been levelled against the petitioner and his co-accused. They have attempted to implicate the victim Mandeep Singh, who if convicted under the NDPS Act would have suffered a minimum incarceration of 10 years. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 09.11.2021 and only 01 of the 24 prosecution witnesses had been examined so far.

11. I have heard the learned counsel for the parties.

12. Though, the allegations levelled against the petitioner and his co-accused are indeed very serious, the same would be proven during the course of the trial. At this stage, the petitioner is to be in custody since 09.11.2021 and only 01 of the 24 prosecution witnesses have been examined

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so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In such a situation, his further incarceration is not warranted.

13. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ranbir Singh son of Dalip Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

14. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.10.2023

JITESH

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