

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-49771-2022 (O&M)

Dhara Singh @ Dara ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-52797-2022 (O&M)

Abhinav Sharma @ Chunnu ... Petitioner

Versus

State of Haryana ... Respondent

III) CRM-M-54479-2022 (O&M)

Gurpreet Singh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-16.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lalit Sharma, Advocate with
Mr. Deepkaran Dalal, Advocate,
for the petitioner in CRM-M-49771-2022.

Mr. Manoj Tanwar, Advocate,
for the petitioner in CRM-M-52797-2022.

Mr. Manvender Chauhan, Advocate,
for the petitioner in CRM-M-54479-2022.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Sub Inspector Narender.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Dhara Singh @ Dara, Abhinav Sharma @ Chunnu and Gurpreet Singh seeking grant of regular bail in respect of a case registered vide FIR No.309, dated 21.8.2021, Police Station Kherki Daula, District Gurugram, under Section 380, 381, 382, 454, 457, 411, 120-B, 201 of Indian Penal Code, Section 25(1b)(a) of Arms Act and Sections 7 and 8 of Prevention of Corruption Act, 1988.
2. The petitioners base their case mainly on grounds of parity inasmuch as 11 of the co-accused have already been granted bail by this Court. This Court at the time of considering grant of bail to 3 of the accused namely Gurpratap Singh, Dr. Ashwani Kumar and Dr. Sachinder Kumar Nawal had noticed the factual position and granted bail vide common order dated 19.4.2022 passed in CRM-M-1734-2022. The said order is reproduced hereinunder:

“These three petitions are filed for grant of regular bail in FIR No.309, dated 21st August, 2021, under Section 380 IPC, (Sections 201, 381, 382, 454, 457, 411, 120-B IPC, Section 25(1B) (a) of the Arms Act, 1959 and Sections 7 and 8 of the Prevention of Corruption Act, 1988 were added later on) registered at Police Station Khedki Daula, Gurugram.

Brief facts of the case are that Santosh Singh got registered FIR on 21st August, 2021 with regard to theft of money from a flat. After five days, he made supplementary statement that a sum of Rs. 50 lakhs was stolen and he suspected Parveen Singh and Mohit Kumar. Parveen Singh was arrested on 11th September, 2021 whereas Dara Singh, Amit and Abhinav Sharma were produced on production warrants on 5th October, 2021. On basis of disclosure

and supplementary disclosure of accused in custody, Dr. Ashwani Kumar, Sandeep @ Neetu Sunaria, Dr. Suchender Jain Nawal and Dr. Gurpartap Singh were nominated. In supplementary disclosure, Dr. Suchender Jain Nawal on 13th November, 2021 disclosed that he on asking of Vikas approached Dheeraj Kumar Setia for hushing up the matter. During investigation it revealed that theft was not of Rs. 50 lakhs but of more than Rs. 30 crores and gold.

*Learned Senior Counsel Mr. R.S.Cheema appearing for the petitioner in **CRM-M-7507-2022** submits that the petitioner is in custody since 9.11.2021, investigation is complete, challan stands presented. He argued that the petitioner is a well-known doctor and there is no chance of absconding. Contention is that the petitioner was named in a disclosure statement and no recovery was made from the petitioner. It is further argued that other co-accused are yet to be arrested, source of money is to be traced and hence, conclusion of trial is likely to take time. He submits that the petitioner has given his consent for giving voice sample and would appear before the lab on the date and time communicated to him at least three days in advance.*

*Learned Senior Counsel Mr. Anmol Rattan Sidhu appearing for the petitioner in **CRM-M-6093-2022** submits that the petitioner was named in a disclosure statement. The role attributed to the petitioner is that he actively participated in transporting the alleged stolen property. Recovery has already been effected from the petitioner and no further recovery is to be made. He further submits that conclusion of trial will take a long time and investigation qua the petitioner is complete.*

*Learned Senior Counsel Mr. Vinod Ghai appearing for the petitioner in **CRM-M-1734-2022** submits that the petitioner was named in a disclosure statement. No recovery was made from the petitioner. He further submits that the petitioner consented for*

Polygraphic Test and has undergone the test. The petitioner is in custody since 9.11.2021 and investigation is complete qua the petitioner.

Learned State Counsel on instructions from DSP, Deepak Kumar opposes the grant of bail to the petitioners and submits that though the investigation qua the petitioners at this stage is complete but the matter is still being investigated and other coaccused are yet to be arrested. She further submits that there may be change in the circumstances where the petitioners may be needed, liberty is sought for availing remedies if there is change in circumstances.

The investigation qua the petitioners is complete, challan stand presented. Considering the nature of the allegations and the nature of investigation involved, there is likelihood of trial not being concluded in near future. Depriving of personal liberty of the petitioners, to await the arrest of the co-accused and thereafter conclusion of the trial, would be unreasonable. The petitioners are granted regular bail subject to furnishing bail bonds and surety of Rs.1 lakh each with CJM/Trial Court concerned.

Needless to say that the Investigating Agency would be at liberty to avail remedies in accordance with law in case of change of circumstances.

Petitions are allowed.”

3. Reply by way of an affidavit of Shri Lalit Dalal, HPS, Deputy Superintendent of Police, Special Task Force, Haryana, Gurugram in CRM-M-54479-2022 has been filed by learned State counsel today in Court, which is taken on record.
4. Learned counsel for the petitioners Dhara Singh @ Dara (in CRM-M-49771-2022) and Abhinav Sharma @ Chunnu (in CRM-M-52797-2022) have

submitted that they have falsely been implicated in the present case on the basis of alleged CCTV footage and that an amount of Rs.45,000/- and Rs.40,000/- respectively is stated to have been recovered from them which any individual can possess being a small amount. Learned counsel submitted that apart from the said evidence, the only other evidence against them is in the shape of disclosure statements of co-accused Parveen, Mohit and Jokham Singh, which would not carry any evidentiary value.

5. Learned counsel for the petitioner Gurpreet Singh (in CRM-M-54479-2022) has submitted that the only evidence against him is in the shape of a disclosure statement and that no amount whatsoever was ever recovered from him.
6. Learned counsel for the petitioners submitted that since identically situated co-accused have already been granted bail and that the petitioners Dhara Singh @ Dara and Abhinav Sharma @ Chunnu have been behind bars since the last more than 1 year and 3 months and even the petitioner Gurpreet Singh has been behind bars since the last about 4 months, the petitioners deserve the concession of bail on grounds of parity.
7. Opposing the petitions, learned State counsel has submitted that since the petitioners Dhara Singh @ Dara and Abhinav Sharma @ Chunnu are specifically seen in the CCTV footage, their complicity is clearly evident and since there are disclosure statements made by co-accused against all the present 3 petitioners, they cannot claim parity with the co-accused. Learned State counsel has informed that while the petitioner Dhara Singh @ Dara stands involved in 9 other cases, the petitioner Abhinav Sharma @ Chunnu is involved in 2 other cases and petitioner Gurpreet Singh is involved in 8 other

cases. It has, however, been informed that as on date none out of the cited 51 PWs has been examined.

8. This Court has considered the rival submissions.
9. Without commenting anything as regards merits of the case but while noticing the custody of the petitioners and also bearing in mind that 11 other co-accused have already been granted bail by this Court, who were also involved in some other cases, the petitioners deserve the concession of bail on grounds of parity and also on grounds of long custody. All the three petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. A photocopy of this order be placed on the file of each connected case.

16.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No