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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 12.11.2024

(I) CRM-M-6612-2024 (O&M)

NAVINDER SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(II) CRM-M-19868-2024 (O&M)

AMRITPAL SINGH @ SANJU

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(III) CRM-M-21620-2024 (O&M)

RAKESH KUMAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(IV) CRM-M-36036-2024 (O&M)

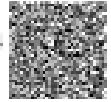
SAWAN KUMAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)



CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aman Pal, Advocate
for the petitioner in CRM-M-6612-2024.

Mr. Ruhani Chadha, Advocate
for the petitioner in CRM-M-19868-2024.

Mr. Sant Lal Barwala, Advocate
for the petitioner in CRM-M-21620-2024.

Mr. Parveen Chauhan, Advocate
for the petitioner in CRM-M-36036-2024.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-44564-2024 in CRM-M-36036-2024

The present application has been filed for correction in the head note and prayer clause of the main petition.

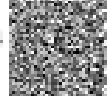
For the reasons mentioned in the application, the same is allowed.

In the head note as well as in the prayer clause, Sections 420, 467, 468, 471, 120-B of the IPC, Sections 12 and 13 of the Passport Act, Section 21/61/85 of the NDPS Act be now substituted and read as Sections 420, 467, 468, 471, 489, 120-B of the IPC, Sections 12 and 13 of the Passport Act, Sections 21-B, 27-A of the NDPS Act and Section 25 of the Arms Act.

Main cases

1. All the four petitions are taken up together for final disposal with the consent of learned counsels for the parties since all the petitions arise out of the same FIR and the prayer in all the cases is for the grant of regular bail.

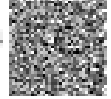
2. CRM-M-6612-2024, CRM-M-19868-2024 and CRM-M-21620-2024 have been filed under Section 439 of the Code of Criminal Procedure and



CRM-M-36036-2024 has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioners in FIR No.106 dated 04.05.2023, under Sections 420, 467, 468, 471, 489, 120-B of the IPC, Sections 12 and 13 of the Passport Act, Sections 21-B, 27-A of the NDPS Act and Section 25 of the Arms Act, registered at Police Station Maqboolpura, District Amritsar, Punjab.

3. CRM-M-6612-2024, CRM-M-19868-2024 and CRM-M-36036-2024 are second regular bail petitions, whereas CRM-M-21620-2024 is a first regular bail petition.

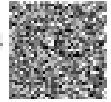
4. Learned counsel for the petitioner-Navinder Singh submitted that the petitioner is in custody for about 1 year and 5 months and he was not named in the FIR and was nominated on the basis of disclosure statement of a co-accused, namely, Sohan Lal, who is the main accused in the present case. He further submitted that it is a case where the allegations were that the police got a secret information that a group of people are indulged in making fake passports and on the basis of fake passports various people have been sent abroad and some passports were confiscated from the co-accused. He further submitted that till date even charges have not been framed by the learned trial Court in the present case and the custody of the petitioner has come out to be about 1 year and 5 months. He further submitted that the petitioner is involved in one more case under Section 302 of the IPC, wherein he is already on bail. He also submitted that the petitioner is exactly at parity with the other co-accused, namely, Jaswinder Gill, Amit Raghav, Dalip Kumar Paswan @ Dilip Kumar Paswan, Naveen Kumar @ Babbu and Sarvar, who have already been granted



the benefit of regular bail by this Court on 23.07.2024 and therefore, on the basis of parity, the petitioner is entitled for grant of regular bail.

5. Learned counsel for the petitioner-Amritpal Singh @ Sanju submitted that the petitioner is also in custody for about 1 year and 5 months and he was also not named in the FIR and it was only on the basis of disclosure statement of other co-accused, namely, Naveen Kumar @ Babbu that he was nominated in the present case. He further submitted that the petitioner is also seeking parity with the aforesaid 5 co-accused, who have been granted the benefit of regular bail by this Court on 23.07.2024 because his name also cropped up on the basis of disclosure statement of the co-accused and it is yet to be proved at the time of the trial that the petitioner had connived with the other persons or not. He further submitted that the petitioner is involved in one more case unders Section 399 and 402 of the IPC, in which he is already on bail and considering the custody of the petitioner and the stage of the trial, wherein even charges have not been framed by the learned trial Court, he may be considered for the grant of regular bail.

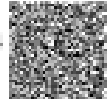
6. Learned counsel for the petitioner-Rakesh Kumar submitted that the petitioner is also in custody for about 1 year and 5 months and although he has been named in the FIR but as per the FIR itself, the main accused is one Sohan Lal and the role attributable to the petitioner was that he helped the aforesaid Sohan Lal. He further submitted that the petitioner has been falsely implicated in the present case only because of the reason that he was earlier involved in one more case under Sections 177 and 420 of the IPC, in which he is already on bail. He also submitted that considering the custody of the petitioner and the fact that even the aforesaid 5 co-accused have been granted



the benefit of regular bail by this Court, although petitioner is not exactly at parity with the aforesaid 5 co-accused because the petitioner was named in the FIR but considering even the allegations against the petitioner and the role of the petitioner as alleged by the police, he is entitled for grant of regular bail.

7. Learned counsel for the petitioner-Sawan Kumar submitted that the petitioner is also in custody for about 1 year and 5 months and although he was named in the FIR and is equally placed with that of the aforesaid petitioner, namely, Rakesh Kumar but as per the FIR, the role attributable to him was that he helped the main accused, namely, Sohan Lal. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and has been falsely implicated in the present case. He further submitted that considering the aforesaid facts and circumstances pertaining to the clean antecedents of the petitioner and his long custody and the fact that the case is still at the stage of consideration for framing of charges, he may be considered for the grant of regular bail.

8. On the other hand, Mr. Rajiv Verma, DAG, Punjab submitted that it is correct that all the petitioners are in custody for about 1 year and 5 months. He further submitted that so far as petitioner-Amritpal Singh @ Sanju is concerned, after his arrest there was a recovery of one illegal revolver from him along with 10 grams of *heroin*, which is marginally higher than the small quantity but falls in the category of commercial quantity and also drug money of Rs.3,50,000/- and therefore, he is not entitled for the grant of regular bail. He further submitted that so far as petitioner-Navinder Singh is concerned, he is also involved in one more case as aforesaid and on this ground as well, he is not entitled for grant of regular bail. So far as petitioners-Rakesh Kumar and Sawan

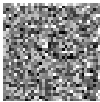


Kumar are concerned, he submitted that both of them are specifically named in the FIR and it is not a case where they can claim any parity with the aforesaid 5 co-accused, who have already been extended the benefit of regular bail by this Court on 23.07.2024.

9. I have heard the learned counsels for the parties.

10. Taking the case of two petitioners, namely, Amritpal Singh @ Sanju and Navinder Singh, as per the learned counsels for the parties, they are not named in the FIR and they were named on the basis of disclosure statement of co-accused. This Court had already granted the benefit of regular bail to about 5 other co-accused on 23.07.2024, who were nominated on the basis of disclosure statement of co-accused. Petitioners-Amritpal Singh @ Sanju and Navinder Singh would therefore be at parity with the aforesaid co-accused on the aforesaid ground that they were also nominated on the basis of disclosure statement of co-accused. So far as the argument raised by the learned State counsel with regard to recovery from petitioner-Amritpal Singh @ Sanju is concerned, the same is also to be seen at the time of trial but both the aforesaid petitioners have already faced incarceration for about 1 year and 5 months and as per the learned counsels for the parties, even charges have not been framed by the learned trial Court till date. Therefore, this Court is of the view that considering the aforesaid facts and circumstances, both the petitioners, namely, Amritpal Singh @ Sanju and Navinder Singh are entitled for the grant of regular bail.

11. So far as petitioners-Rakesh Kumar and Sawan Kumar are concerned, they would not be exactly at parity with the aforesaid 5 co-accused who have been granted the benefit of regular bail by this Court on 23.07.2024



because they were named in the FIR. Therefore, this Court would see as to what was the alleged role of both the aforesaid petitioners. As per the learned counsels for the parties and as per the FIR, the main accused appears to be one Sohan Lal and the aforesaid two petitioners, namely, Rakesh Kumar and Sawan Kumar although named in the FIR but the alleged role was that they had helped the aforesaid Sohan Lal. One of the aforesaid two petitioners, namely, Sawan Kumar is having clean antecedents and he is not involved in any other case as per the learned counsels for the parties. Both the petitioners have also faced incarceration for about 1 year and 5 months. The trial Court has not even framed charges till date and the matter is still pending consideration for framing of charges.

12. Therefore, this Court is of the considered view that even these two petitioners i.e. Rakesh Kumar and Sawan Kumar are also entitled for the grant of regular bail especially considering their long custody and stage of the trial.

13. Consequently, all the four petitions are allowed. The petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

14. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

(JASGURPREET SINGH PURI)
JUDGE

12.11.2024
Chetan Thakur

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