



216+105 (5 cases)

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

1.

CRM-M-8738-2024

Raghu Verma

Versus

State of Punjab

...Petitioner

...Respondent
2.

CRM-M-63146-2023

Neha

Versus

State of Punjab

....Petitioner

.Respondent
3.

CRM-M-744-2024

Kamal Kishore

Versus

State of Punjab

..Petitioner

..Respondent
4.

CRM-M-6168-2024

Vishu Saini

Versus

State of Punjab

...Petitioner

..Respondent
5.

CRM-M-8901-2024

Harjinder Singh alias Babba

Versus

State of Punjab

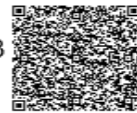
..Petitioner

...Respondent

Date of decision:-23.07.2024

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Kanishk Swaroop, Advocate,
Mr. B.D. Sharma, Advocate,
Mr. Ravi Malhotra, Advocate,
Mr. Saurav Kanojia, Advocate,
Mr. K.B.S. Mann, Advocate,
for the petitioner.
Mr. Deepinder Brar, Sr. DAG, Punjab.
Mr. Anshuman Chopra, Sr. Standing Counsel assisted by
Mr. Deepak Kakkar, Advocate for CBIC.



MAHABIR SINGH SINDHU, J.

CRM-28861-2024 in CRM-M-6168-2024

Application under Section 482 Cr.P.C. for addition of Sections 395, 412 of Indian Penal Code, 1860 in the head note and prayer of the main petition.

Notice of the application to non-applicants-respondents.

Mr. Deepinder Brar, Sr. DAG, Punjab and Mr. Anshuman Chopra, Sr. Standing Counsel assisted by Mr. Deepak Kakkar, Advocate for respondent No2/CBIC accept notice on behalf of non-applicants-respondents and have raised no objection to the prayer made by applicant.

In view of the above and for the reasons mentioned in the application, same is allowed as prayed for subject to all just exceptions. Applicant is permitted to add Sections 395, 412 IPC in the main petition.

Main cases

Controversy involved in the above cases is of similar nature; therefore, all 05 petitions are being disposed off by this common order.

2. Present petitions have been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioners in FIR No.463 dated 26.09.2023, under Sections 120-B, 392 of the Indian Penal Code, 1860, (for short 'IPC') (offence under Sections 395 and 412 of IPC added later on) registered at Police Station Division No. 7, District Police Commissionerate, Ludhiana.

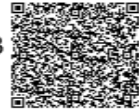


3. Above FIR was registered on the basis of secret information and the same reads as under:-

“ Today myself ASI alongwith Head Constable Amarjit Singh No. 214, Senior Constable Manjinder Singh No. 1170, Senior Constable Manbir Singh No. 1111, Senior Constable Sukhdeep Singh No. 1811, Lady Constable Neelam Kumari No. 2713 and PHG Ashwani Kumar No. 12629, were on government vehicle Tavera bearing No. PR19840616, whose driver is Assistant Sub Inspector Manjit Singh No. 2731, PHHC, CHANDIGARH were on patrolling and checking of bad persons and suspected vehicles and were present at Tajpur Chowk, Near G.T. Road, Ludhiana. Then a secret informer given an information to Assistant Sub Inspector DhanwantSingh No.210/Ludhiana that Neha daughter of Ramesh resident of Village Raniya, Police Station Dhariwal, District Gurdaspur and Vishu resident of Saharanpur, Uttar Pradesh, who came back to India from Dubai few months back. They worked together at Dubai. They have the knowledge about the smuggling being done from Dubai to Amritsar and Mohali airports. Neha and Vishu had knowledge about the persons, who brought gold and other articles without license and permit from Dubai to Mohali via airport. Neha at the asking of Vishu resident of Saharanpur had made plan with her accomplices Harjinder Singh @ Babba son of Late. Nirmal Singh resident of Village Kaliyanpur, Police Station Dhariwal, District

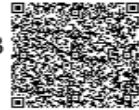


Gurdaspur, Satnam Singh @ Sodhi son of Late. Preetam Singh resident of House No. 95, Near Government College, Tarimo Road, Police Station City Gurdaspur, District Gurdaspur, Harpreet Singh @ Babu son of Mewa Singh resident of Village Ghurala, Mohalla Dev Nagar, Tibri Road, Police Station Tibarh, District Gurdaspur and Kamal Kishor son of Late. Diwan Chand resident of House No. 122, Behrampur Road, Police Station City, Gurdaspur, District Gurdaspur to commit looting from the above said persons, then sent Harjinder Singh @ Babba son of Late. Nirmal Singh, Satnam Singh @ Sodhi, Harpreet Singh @ Babu and Kamal Kishore and have looted the smuggled gold and other articles from outside the Mohali airport. Presently Harjinder Singh @ Babba, Satnam Singh @ Sodhi, Harpreet Singh @ Babu, Kamal Kishore and Neha are sitting in white color scorpio car no. PB06R8140 at Samrala Chowk, Ludhiana for the sale of gold to the buses being plied from Ludhiana to Chandigarh as well as they are waiting for someone. If raid is conducted, the above said persons Harjinder Singh @ Babba, Satnam Singh @SpakiHarpreet Singh @Babu, Kamal Kishore and Neha can be nabbed alongwith looted articles. The information is substantial and reliable. From the information, the facts of smuggling of gold from foreign without any permit has come into light therefore, contempt will be made with concerned department and action according to the situation shall be



taken. Therefore, Harjinder Singh @ Babba, Satnam Singh @ Sodhi, Harpreet Singh @ Babu, Kamal Kishore and Neha have committed the looting of smuggled gold and other articles, therefore, they have committed offence under section 392/120-B of IPC. Therefore, Assistant Sub Inspector Dhanwant Singh No. 210/Ludhiana has written ruga for registration of case against Harjinder Singh @ Babba, Satnam Singh @ Sodhi, Harpreet Singh @ Babu, Kamal Kishore and Neha and got the same typed from Senior Constable Sukhdeep Singh No. 1877 on laptop. Then with the help of inverter installed in the government vehicle, got its printout and sent PHG Ashwani Kumar No. 12629 to the Police Station for registration of FIR. After the registration of FIR, number of FIR be informed. Myself ASI alongwith accompanied employees were leaving the spot for conducting raid.”

4. Learned counsel for the petitioners contends that petitioners have been falsely implicated in the present case as no recovery was effected from them. Further contends that neither the details of person(s) from whom alleged gold was robbed have come forth; nor the person(s) to whom the said gold was sold, have been nominated as accused. Again submitted that petitioners are in custody since 26.09.2023; investigation has already been completed, but charges are yet to be concluded.



5. *Per contra*, learned State counsel on instructions submits that on the basis of secret information, raids were conducted and following persons were apprehended with the following cash/gold:-

“(i) Cash of Rs. 20,000/- was recovered from petitioner No. 1.

(ii) Cash of Rs. 1.00 lac was recovered from petitioner No. 2.

(iii) Cash of Rs. 2.00 lac was recovered from petitioner No. 3.

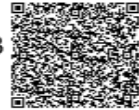
(iv) Cash of Rs. 1.00 lac and 825 grams paste of gold were recovered from petitioner No. 5.

(v) From the dash board of the Scorpio No. PB-06R-8140, two mobile phones and passport of Sumit were also recovered which were also robbed by the petitioners at Mohali Airport.”

Further submitted that final report under 173 Cr.P.C. has been presented and now matter is fixed for framing of charges before learned trial Court. Also submitted that two co-accused are yet to be arrested.

6. Heard both sides and perused the paper-book.

7. As per prosecution story, a secret information was received by the police to the effect that petitioners- Neha (CRM-M-63146-2023) and Vishu (CRM-M-6168-2024) had come from Dubai Airport to India with gold and they also knew about the persons who smuggled gold and other articles from Dubai. It is further alleged that



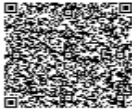
they along with other petitioners after hatching criminal conspiracy robbed gold from Mohali Airport and were waiting to sell the same at Ludhiana. Thereafter, raid was conducted and petitioners were apprehended alongwith Scorpio No. PB-06R-8140 and cash as well as gold paste was recovered from them. Neither details of person(s) from whom the gold was allegedly robbed have been provided; nor the alleged purchaser of said robbed gold is arrayed as an accused. Investigation is already over and final report under Section 173 has been presented. Petitioners are in custody since 26.09.2023, therefore, further incarceration of the petitioners would not serve any purpose.

8. Apart that, on specific query of this Court, learned State counsel is not able to point out as to what offence is made out against the petitioners?

9. In view of the above, present petitions are **allowed**; petitioners shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioners shall appear on each & every date of hearing and shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

11. The above observations may not be construed as an expression of opinion on the merits of the cases.



12. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

23.07.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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