

2024:PHHC:035533
2024:PHHC:034560

**241+301 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M No. 11404 of 2024 (O&M)

2. **CRM- M No.55968 of 2023 (O&M)**

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Mr. J.S. Arora, DAG Punjab.

PANKAJ JAIN, J. (ORAL)

3 Reply by way of affidavit of Varinder Singh Khosa, PPS.,
Assistant Commissioner of Police, North, Amritsar City on behalf of
respondent-State has been filed. The same is taken on record.

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4 As per the contents of the FIR, it has been alleged as under:-

“Prabhjit Singh son of Sh. Late Harinder Pal Singh resident of Kothi No.8 new Garden Colony, Amritsar aged about 47 years Mobile No.98766-66000 has stated that I am resident of the above said address and my brother Chatar Singh Jeevan Singh’s firm Mai sewa is at Amritsar and we print and sell religious books in the firm. On 05.07.2023 at about 10-30 pm, I along with my wife Kanwar Preet Kaur and my aunt’s son Romil Deep Singh and my two sons Parv Grover aged about 16 years and younger son Asankh Grover aged about 14 years in car number PB02EM-0300 mark XUV 700 were at Haldi Ram Market in Ranjit Avenue Amritsar to have some food. We parked our car in front of the Bay Leaf restaurant and to have some food, I, my wife Kanwar Preet Kaur and my aunt’s son Romil Deep Singh alighted from the car and my two sons started telling me that we want to have some food from KFC Ranjit Avenue Amritsar and my elder son Parv Grover drove the car and after 15/10 min I got call from my son Parv Grover stated that four boys came to us out of which one was having pistol and entered our car then I pushed them in the car and same out and they took the younger brother Asankh with the car on which I went to KFC restaurant with my wife Kanwar Preet Kaur and my aunt’s son Romil Deep Singh at D Block, Ranjit Avenue where by elder son Parv Grover met me and we started looking for my son Asankh. After some time my younger son Asankh drove his car and came to D Block Market who told us that the said 4 boys who took me with the car and the car stopped near In Out Bakery Bypass Ranjit Avenue and they could not start the car so they left me with the car and ran away from Guntala Bypass Amritsar. The above unknown accused took away the car from my boys at gun point and had abducted my younger son Asankh with me as the car is automatic so it could not be driven from the accused that is why they left the car and ran away, now I have come to you with my other relatives. Necessary legal action should be taken. SD/-”

5 As per the case of the prosecution, co-accused Parambir Singh @ Nanak who has filed CRM-M No. 55968 of 2023 was the kingpin, on whose directions petitioner Ramandeep Singh snatched the car. Roles

attributed to each of the petitioners can be discerned from the Para No.6 of

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the reply which reads as under:-

“6. That it is submitted that during investigation, the aforesaid accused Ramandeep Singh and Vicky suffered disclosure statement before the Investigating Officer that the present petitioner Parambir Singh @ Nanak is their known. The present petitioner Parambir Singh @Nanak had told them and their friends Chander Kuamr @ Sandhu and Inderjit Singh @ Lambar that he required one expensive luxurious seven seater car and they may snatch the car for him, for which he would give them Rs. 04 lakhs. Therefore, they got ready for the same and the present petitioner Parambir Singh @ Nanak had also given them one country made pistol. Thereupon, on 05.07.2023, they both along with Inderjit Singh @ Lambar R/o Village Ram Diwali, Amritsar and Chander Kumar @ Sandhu S/o Jagdish Raj R/o Mohalla Fateh Singh, Dera Baba Nanak, Gurdaspur and present petitioner Parambir Singh Nanak had come to Haldi Ram Market, Ranjit Avenue, Amritsar for snatching the car for the present petitioner. They saw that two teenage boys were sitting in one XUV car, then the present petitioner asked them to snatch this car for him. Thereupon, they asked the present petitioner Parambir Singh @ Nanak to keep a watch qua the movement of police. Thereafter, they snatched the car SUV No. PB-02-EM-0300 along with one boy sitting therein on pistol point, but as the car was automatic; it stopped near In-Out Bakery bypass. Hence, they all left the car with the boy sitting therein and fled way. The pistol given by the present petitioner to them was returned to the present petitioner Parambir Singh @ Nanak. Therefore, based upon the aforesaid disclosure statements, the present petitioner Parambir Singh @ Nanak, Chander Kumar Sandhu and Inderjit Singh @ Lamber were also nominated as co-accused in this case vide GDR No.38 dated 17.08.2023 by the Investigating Officer. The disclosure memo of Ramandeep

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Singh is annexed herewith as Annexure R-1/T.”

6 Counsel for the State further relies upon Para No.8 of the reply which reads as under:-

“8. That it is submitted that during investigation, the eye witness namely Parv Grover and Asankh Grover had made identification of the accused Ramandeep Singh, who was having pistol and was sitting on front seat and of the accused Vicky and Chander Kumar @Sandhu who were sitting on rear seat of the car. The identification of the present petitioner Parambir Singh @ Nanak was made by the witness Asankh Gorver being the person who was standing at a side and other accused had given him signal of thumb up after snatching the car. The identification memos were prepared in this respect in accordance with law by the Investigating Officer. It was also stated by the witnesses that the person who was driving the car is not among the above said accused persons.”

7 Petitioners are behind bars for more than 6 ½ months. Challan stands presented. Counsel for the petitioners have alleged false implications. Counsel for Parambir Singh has argued that Parambir Singh is a whistle blower against narcotic trades and was also shot by the gangsters for the same. He submits that he has been falsely implicated by the police officials at the behest of those gangsters.

8 Counsel for Ramandeep Singh submits that there is serious dispute with respect to identification of petitioners as no test identification parade was conducted and from the contents of Para No.8 of the reply, it is evident that victims were made to identify the petitioners in the Police Station which is inconsequential.

9 On being asked, the State counsel fairly admits that there is no test identification parade and the culprits were only identified in the police

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station without any parade.

10 Having heard the rival contentions and after going through records of the case and keeping in view the incarceration already suffered by the petitioners and the nature of allegations against them and the nature of evidence collected by the Investigating Agency at this stage, present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

11 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

12 Photocopy of this order be placed on the connected file.

(PANKAJ JAIN)
JUDGE

11.03.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No