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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19483-2024
Decided on: 16.05.2024

Parminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Datta, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	28.08.2023	Vigilance Bureau, Ludhiana	7, 7A of Prevention of Corruption (Amendment) Act 2018 r/w/ Section 384/120B IPC (Sections 420 & 511 IPC added vide order dated 29.04.2024)

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. As per custody certificate dated 15.05.2024, petitioner has no criminal history, however there is one case, in which production warrants were issued against the petitioner, which reads as under: -

Sr.No.	FIR No.	Dated	Police Station	Sections
1	64	07.03.2024	Sadar Pehowa	384/120B IPC



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3. The petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The State opposes bail.

REASONING:

5. Prosecution's case is being taken from reply dated 06.05.2024, which reads as follows:-

i) That it is submitted that the FIR No. 20 dated 28.08.2023 under sections 7, 7-A of the Prevention of Corruption Act 1988 as amended by Amendment Act 2018 read with section 384/120-B IPC & 420,511 (Added Later On), Police Station Vigilance Bureau, Ludhiana was registered on the basis of statement made by complainant Palwinder Singh, wherein the complainant has stated that he is an agriculturist by profession and he was having ancestral land measuring 27 Kila at Village Bhainisalu, out of which, he sold 18 Kila of land to different people about 03-04 months back and also executed the sale deeds. Since there was government land adjoining to the land of the complainant, so he received a notice from the government whereby he was asked to produce documents qua ownership of the land sold by him. The complainant was yet to furnish documents with regard to the said notice, but on 12.08.2023 at about 07.30 AM, 03 persons came to the house of complainant and told that they have come from Vigilance Cell of the Revenue Department, Sector 17 Chandigarh. They also told the complainant that the inquiry with regard to the government land sold by him is being conducted by them. On this, the complainant asked them about their identity, but they had refused to disclose their identity, however, 02 persons were Sikh persons whereas one person was cut-surd (mona). The cut-surd person took the complainant inside a room whereas the two Sikh persons went on the roof of the house. The cut-surd person told the complainant that they will settle the matter regarding inquiry being conducted on account of the sale of land with the officers of the Vigilance Department and for this purpose, he had asked the complainant to arrange an amount of Rs.25,00,000/-.

ii) That on this, the complainant replied that he has not done anything wrong, rather he has sold his ancestral land, upon which, cut-surd person started threatening the complainant and his two accomplices also came downstairs. At that time, Rs.27,000/- were in the pocket of the complainant which were taken by the cut-surd person. The copies of cheque books of the complainant pertaining to Central Cooperative Bank, Koom Kalan were also lying in the room. The aforesaid persons forcibly got filled amounts of Rs.



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10,00,000/- and Rs. 15,00,000/- on two cheques from the complainant and they also obtained signatures of the complainant on those cheques forcibly. They also asked the complainant to give them the amount of Rs.25,00,000/- within two days and only then the cheques will be returned to him otherwise they threatened the complainant that they will get the FIR lodged against him for selling the government land.

iii) That the entry of above said persons in the house of complainant was recorded in the CCTV cameras installed in the house. The complainant did not do anything wrong by selling his ancestral land nor he has sold any government land. The aforesaid persons have represented themselves as officials of the Vigilance Cell and they have demanded Rs.25,00,000/- from the complainant in the name of Vigilance Officers and in lieu of closing the inquiry initiated on account of notice issued by the government. They also took cheques amounting to Rs.25,00,000/- from the complainant forcibly and now they are demanding Rs.25,00,000/- cash.

iv) That on 14.08.2023, the complainant received a call on his WhatsApp number 94781-40090 from the WhatsApp number 88725-20270, which on True Caller App. showing the name as "Punjab P.P. Sodhi Sahib" who asked the complainant to bring the money and take his cheques back. The complainant arranged amount of Rs.5,00,000/- but the aforesaid persons told him that they will take whole amount of Rs.25,00,000/- at one point of time, upon which, the complainant replied that he needs some time to arrange the amount of Rs.25,00,000/-, Since the complainant was under fear of the aforesaid persons, so he did not disclose anything regarding this incident to anybody. Subsequently, the complainant disclosed entire episode to his relative Kamaljeet Singh Grewal, who advised him that he should give information to the Vigilance Bureau.

v) That the complainant was not in the knowledge about the particulars of the aforesaid persons. He had sold his ancestral land and Manjit Singh S/o Gurmail Singh R/o Bhainisalu is having knowledge in this regard. It was co-accused Manjit Singh who told the co-villagers that officials of the Vigilance Cell of the Revenue Department were to visit the residence of the complainant and the officials have come late. Hence, Manjit Singh was having connivance with the aforesaid unknown persons and he had provided information to those persons. The complainant also made inquiries from the Revenue Department at his own level and the officials of that department told him that they did not send any official to his house. Thus, the aforesaid unknown persons while representing themselves as the officials of the Vigilance Cell are demanding Rs.25,00,000/- from the complainant in the name



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of the officials of the Vigilance Cell. Since the complainant did not want to give illegal gratification, so he had recorded the entire conversation in his phone. He also put the footage of CCTV cameras installed in his house in a pen-drive. Thereafter, the complainant made complaint against Manjit Singh and his unknown accomplices at Vigilance Bureau Ludhiana and at that time, the complainant also produced audio and video recordings before the vigilance officials.

vi) That it is submitted that though the FIR was registered only against accused Manjit Singh who being inhabitant of village of Bhainisalu i.e. the village of Complainant had given information about the sale of the land to the other accused persons. Manjit Singh, Paramjit Singh and Parminder Singh i.e. the Petitioner along with accused Pinder Sodhi and Hardeep Singh @ Deepa did recce of house of the complainant before committing the incident on 12.08.2023. Thereafter on 12.08.2023 the petitioner along with his co-accused Pinder Sodhi Son of Rattan Sodhi and Hardeep Singh @ Deepa had gone to the house of complainant on 12.08.2023 and had taken two cheques and an amount of Rs 27,000/- forcibly from complainant on that day. Infact, the accused persons in connivance with each other have formed a gang and they had put the complainant in such a situation that he would not be able to say no to their illegal demands. There are serious allegations against the accused. In case, the petitioner is granted bail, then he might abscond to avoid the remaining trial proceedings."

6. Petitioner seeks bail primarily on the ground that his custody is 08 months & 13 days and material witnesses have been examined. Counsel for the petitioner further submits that no recovery has been effected from him and the entire prosecution version is false.

7. State counsel opposes the bail and refers to the evidence mentioned at para 6 of the reply dated 06.05.2024, which reads as follows:-

"i) That the calls details of the accused persons have also been obtained by the Investigating Agency which shows their close connection with each other. It was the scandal being run by the accused in connivance with each other.

ii) That Manjit Singh, Paramjit Singh and Parminder Singh i.e. the Petitioner along with accused Pinder Sodhi and Hardeep Singh @ Deepa did recce of house of the complainant before committing the incident on 12.08.2023.



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iii) Thereafter on 12.08.2023 the petitioner along with his co- accused Pinder Sodhi Son of Rattan Sodhi and Hardeep Singh @ Deepa had gone to the house of complainant on 12.08.2023 and they had obtained amount of Rs 27000/- and 2 cheques from the complainant.

iv) That the entry of accused persons including the present petitioner in the house of complainant was recorded in the CCTV cameras installed in the house. During investigation as well as during the trial proceedings, the complainant has identified the petitioner by stating that he is the same person who came to his house on 12.08.2023 along with other two accused persons and they were also recorded in CCTV camera installed in his house."

7(a) State counsel further submits that the trial is at advance stage and out of 17 witnesses, 16 have already been examined.

8. An analysis of the above arguments would lead to the following outcome.

9. Prima facie the prosecution has collected sufficient evidence pointing towards the petitioner's involvement, further the trial is at advance stage and the ends of justice would suffice if this Court directs the trial Court to expedite the trial even further within six months.

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

11. The petition is **dismissed**. However, considering the petitioner's right to speedy trial coupled with the pre-trial incarceration, it is clarified that if the trial is not concluded within six months, and if the delay is not attributable to the petitioner, then the petitioner may file an application for bail before the trial court, which shall decide it expeditiously and consider the bail on the grounds of pre-trial custody, and all the previous orders of dismissal passed by the trial court or High Court shall not come in the way. It is clarified that this relaxation is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial, and if they do so, this order shall stand recalled and automatically revoke by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court.

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All pending applications, if any, stand closed.
This order shall come in force from the date when it is uploaded on website of this Court.

(ANOOP CHITKARA)
JUDGE

16.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.