



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30276-2022

Reserved on : 14.11.2024

Pronounced on : 03.12.2024

Hardyal Inder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate,
Mr. Tara Dutt, Advocate and
Mr. Raghav Chadha, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.44 dated 28.02.2022 under Section 380 of the IPC (Sections 411, 427, 454, 409, 201 and 120-B of the IPC added lateron) registered at Police Station Division No.5, Ludhiana.

Submissions on behalf of the petitioner

2. Learned senior counsel for the petitioner has made the following submissions:-

2(a). that the petitioner has been falsely implicated in the instant case, as he has no involvement whatsoever with the alleged stolen Court file. The file, purportedly stolen by co-accused Chetan Kumar and Deepak Dogra, has no connection with the petitioner, who is a lawyer, and furthermore, no recovery has been made from him;



CRM-M-30276-2022

2(b). that the petitioner had no motive to conspire with the co-accused or participate in the alleged crime;

2(c). that the petitioner's name did not appear in any statement recorded under Section 161 of the Cr.P.C. The challan, however, mentions the petitioner as an accused solely on the basis of a disclosure statement made under Section 27 of the Indian Evidence Act, 1872 by co-accused Deepak Dogra;

2(d). that the said disclosure statement, which is inadmissible in law, contains self-contradictory claims. Accused Deepak Dogra alleged that he instructed accused Chetan Kumar to deliver the stolen Court file to Chamber No.202 (erroneously mentioned as 205) of Advocate Gagandeep Singh. He further claimed that accused Chetan Kumar complied and that accused Deepak Dogra then kept the file in a drawer in Chamber No. 202. In the same breadth, accused Deepak Dogra alleged that on the same day, 28.02.2022, he handed over the file to the petitioner, who then had it placed in an envelope at Ali Saloon, on 01.03.2022; accused Deepak Dogra's contradictory claims, defy logic. If accused Deepak Dogra had already handed over the file to Advocate Gagandeep Singh in Chamber No.205, on 28.02.2022, it is unclear why he would deliver the file to the petitioner in Chamber No.256 on the same day. Moreover, how could accused Deepak Dogra predict that the petitioner would place the file at Ali Saloon, the next day, that is 01.03.2022;

2(e). that the claim that petitioner allegedly received the stolen file on 28.02.2022, and then had it deposited at Ali Saloon, on



CRM-M-30276-2022

01.03.2022, raises serious doubts about the veracity of the allegations, and clearly points to the false implication of the petitioner;

2(f). that even the alleged disclosure statement of the owner of Ali Saloon, Hasan Ali, Annexure P-4, fails to prove the involvement of the petitioner in the crime. According to Hasan Ali, he received a WhatsApp call from the petitioner stating that someone would drop the file. Subsequently, a Sikh gentleman delivered the file to him;

2(g). that investigations revealed that the mobile phone from which Hasan Ali allegedly received the WhatsApp call did not belong to the petitioner;

2(h). that furthermore, Hasan Ali, being merely a witness and not an accused, could not have had his statement recorded under 27 of the Indian Evidence Act, 1872;

2(i). that the alleged conspiracy involving accused Chetan Kumar and Deepak Dogra, and the petitioner remains unsubstantiated. There is no evidence or statement suggesting that the petitioner paid any money to the accused for the alleged crime;

2(j) that, if, as per accused Deepak Dogra's disclosure statement, the file was handed over to the petitioner on 28.02.2022, it remains unexplained why the petitioner would contact Hasan Ali the next day to arrange for someone to deliver the file to Ali Saloon;

2(k) that the petitioner, a practicing lawyer, with almost 20 years of experience, would not have taken the risk of keeping a stolen court file in a public location if he were involved in the alleged crime.

The entire case is one of false implication.



CRM-M-30276-2022

Submissions by the State

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned senior counsel for the petitioner, has made the following submissions:-

3(a) that the case pertains to the theft of crucial judicial documents from the Court of Chief Judicial Magistrate, Ludhiana. The FIR was registered based on a complaint by Karan Kumar (Ahlmad), who reported that a judicial file and the computer screen had been stolen from his office. The office, accessible only to specific Court employees, with individual keys, was found unlocked by a watchman on 27.02.2022, raising suspicions of foul play;

3(b). that during the investigation, CCTV footage revealed that co-accused Chetan Kumar, a private employee, working for multiple Ahlmads was seen carrying the stolen computer screen. Upon arrest, accused Chetan Kumar, made a disclosure statement under Section 27 of Indian Evidence Act, 1872, implicating co-accused Deepak Dogra, an Ahlmad in the District Courts. Accused Chetan Kumar stated that accused Deepak Dogra had instructed him to steal a specific civil case judicial file, offering Rs.50,000/- as payment, and providing an advance of Rs.10,000/- to him; accused Chetan Kumar, disclosed that on 26.02.2022, accused Deepak Dogra, handed him a blade to cut the lock, following which, he stole the file and, to mislead authorities, also stole a computer screen; accused Chetan Kumar, further stated that he delivered the stolen file, to accused Deepak Dogra, who then sent it to the petitioner on 28.02.2022 in the chamber of an advocate. Accused



CRM-M-30276-2022

Deepak Dogra's subsequent statement claimed that the petitioner offered him Rs.1 lakh for the file, of which Rs.50,000/- had already been paid;

3(c). that investigations revealed that the file eventually reached Hasan Ali, the owner of a local saloon. Hasan Ali stated that the petitioner called him, asking him to accept the file from an associate and keep it safe. The police later recovered the file from Hasan Ali;

3(d). that the petitioner had absconded during investigation, leading to proclamation proceedings against him;

3(e) that although the brother of the petitioner submitted an application alleging false implication, resulting in the petitioner being declared innocent by the investigating agency, the discharge, application/cancellation report was rejected by the learned Trial Court, which found sufficient grounds, for suspicion against the petitioner;

3(f) that the petitioner joined the investigation on two occasions as directed by this Court, but his motive for orchestrating the theft remains unexplained;

3(g) attention has been drawn to the reply filed by the State, wherein it is stated that following the rejection of the cancellation report by the Trial Court, further investigation is being carried out by the investigating agency in which the District Attorney concerned has outlined multiple points for further inquiry, including the motive of the petitioner for commissioning the theft;

3(h) that given the gravity of the allegations, the factum of the petitioner previously absconding, and the need to investigate his role



CRM-M-30276-2022

further, custodial interrogation of the petitioner is required.

4. I have heard learned counsel for the parties and perused the relevant material on record.

Findings of the Court

5. Before proceeding further, it would be relevant to reproduce the FIR in question which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of Karan Kumar son of Rajinderpal, Ahlmad in the Hon'ble Court of Sh. Sumit Makkar C.J.M. Ludhiana, Age about 34 Years, Mob. No. 94633-07355. I hereby state that I am posted as Ahlmad in the Hon'ble Court of Sh. Sumit Makkar C.J.M. Ludhiana. Judicial files of criminal cases pending in court remain under our possession. Our office is in front of court of C.J.M. Sahib. Apart from me, 3 other employees also work with me in office. We open our office at about 9:00 AM and close at about 5:30 PM daily. We lock the gate of our office and all employees working in our office have separate keys of lock. On dt. 25.02.2022 our office was opened at about 9:00 AM and in evening our employee Sachin had locked the office at about 5:30 PM and due to two day court holiday we had gone to our houses. On dt. 27.02.2022 at time about 7:30 PM I received phone call of Chowkidar Rajinder Singh that your office is not locked and door is bolted from outside. Whereupon, I alongwith Civil Ahlmad Shekhar Bansal went to my office at District Court Complex Ludhiana and saw that our office was not locked and the door was bolted from outside. I opened the door and went inside and saw that Computer Screen Sr. No. UXB1JSIC21H1756623 was missing. I have doubt that any unknown person has stolen the computer screen by breaking the lock of Ahlmad Office. Necessary legal action be taken. Statement got recorded, heard, is correct. Sd/- Karan Kumar.”

6. Learned State counsel has submitted that the role of the petitioner in the crime in question came into light during the disclosure statement of co-accused Deepak Dogra which stands reproduced hereinunder:-



"In presence of below mentioned witnesses, accused Deepak Dogra son of Jagdish Ram Dogra resident of # 1840/02, Street No. 3, Bank Colony, Haibowal Kalan, Ludhiana disclosed that "In year 2011 I was working in Ahlmad Room of Hon'ble Court of Sh. Jarnail Singh JMIC Ludhiana on private basis and I had kept Chetan Kumar on work alongwith me in year 2011 at the instance of my friend Deepak @ Lovely. I informed Chetan Kumar about works of court. In year 2017 I was appointed in Record Office as Government Employee. I and Chetan were good friends. In January 2022 I said to Chetan Kumar that you have easy access to all Ahlmad Rooms of court complex, you steal the file of civil case Hardeep Singh V/s Pritpal Singh from Ahlmad Room of Hon'ble Court of Sh. Sumit Makkar C.J.M. Ludhiana and give to me, in lieu of this I shall pay Rs. 50,000/- to you. I was asking Chetan Kumar again and again to steal the file and was giving him greed of money. During last days of January 2022 I gave Rs. 10,000/- cash to Chetan Kumar to increase his greed and said that if you need more money then ask me. On dt. 26.02.2022 I made phone call to Chetan Kumar that Saturday and Sunday are holidays in court, you steal the file on getting chance and give to me but Chetan Kumar said that lot of people come to court on Saturday, it cannot be done today. Then I said to him that do this work tomorrow Sunday definitely, if you need anything for cutting lock then let me know. Then Chetan Kumar said to me that give me blade of hacksaw (aari). On dt. 27.02.2022, as per our conspiracy, I and Chetan Kumar went to District Court Complex Ludhiana separately and I gave blade of iron hacksaw (aari) to Chetan Kumar in front of stairs of Bar Room for cutting lock of door and went outside in lawyers' parking. As per my advice Chetan Kumar cut the lock of door of Ahlmad Room of Hon'ble Court of C.J.M. Sahib with blade of hacksaw (aari), stole the file of civil case Hardeep Singh V/s Pritpal Singh and computer screen from room and placed in Ahlmad Room of Hon'ble Court of Smt. Rajvir Kaur JMIC Ludhiana and Chetan Kumar also came outside in lawyers' parking. At that time I gave Rs. 500/- cash to him because he had consumed liquor. On dt. 28.02.2022 I made phone call to Chetan Kumar and asked him to give stolen file to me by coming in Chamber No. 202 of Gagandeep Advocate. A short while later Chetan Kumar came in Chamber No. 202 and gave me the stolen file and I placed the file in drawer in chamber and I said to Chetan Kumar that this theft has come to fore, you go out of court complex and do not talk about this with anybody. Then at my instance Chetan Kumar went to his house. At about 6:30 PM Chetan Kumar made phone call to me and said that I went to meet



CRM-M-30276-2022

you. I said to him that I am at Dandi Swami and we can meet on the way. Afterwards, Chetan Kumar made phone call to me again and I asked him to come at my house. Chetan Kumar came at my house and he was very scared. I and Chetan Kumar sat outside in car and I said to Chetan Kumar that I have spoken with my lawyer friends, you go into hiding for 10/15 days. I gave Rs. 10,000/- cash to Chetan Kumar and said that if you need more money then ask me but you do not take my name anywhere. On dt. 28.02.2022 I gave stolen file to Hardial Singh Grewal Advocate and today dt. 01.03.2022 he has put this file in brief of Ali Saloon. I in connivance with Chetan Kumar and Hardial Singh Grewal Advocate have got committed the theft of file and computer screen from Ahlmad Room by giving greed of money to Chetan Kumar. I have committed a big mistake." Whereupon, disclosure statement of accused u/s 27 Ev. Act is written separately, on which signatures of witnesses are taken."

7. In the light of the gravity of the allegations levelled against the petitioner coupled with the fact that as on date the petitioner is a proclaimed person, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner, moreso, when it still remains a mystery as to why the judicial file was stolen. Therefore, this Court concurs with the submissions and prayer made by the learned State counsel that the custodial interrogation of the petitioner would be necessitated to go to the root of the case and uncover the truth. The instant petition stands dismissed accordingly.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.12.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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