

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207) Date of decision:- 09.02.2024.

1.

CRM-M-52752-2023

Ajay

...Petitioner

Versus

State of Haryana

..Respondent
2.

CRM-M-37986-2023

Ashok @ Sunny

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vinod Bhardwaj, Advocate
for the petitioner in CRM-M-52752-2023.

Mr. DPS Bajwa, Advocate
for the petitioner in CRM-M-37986-2023.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1.

This order shall dispose of afore-captioned two bail petitions.
2.

Prayer is for grant of regular bail to both the petitioner(s) in FIR No.397 dated 03.11.2022 under Sections 148, 149, 307, 170, 420, 279, 336, 427, 120-B of IPC and Section 25-1B(1)/54 and 59 of Arms Act, 1959 registered at Police Station Sadar Narwana, District Jind (Haryana).
3.

As per the contents of the FIR, it was alleged as under:-

*“To S.H.O. Saheb, P.S. Sadar Narwana Jai Hind. Today, I, ASI
alongwith HC Shamsher 699, H.C. Hardeep Singh 632. C. Arun*

Kumar 1104. C. Vikas 74, C. Satyawan 1058 through Government vehicle No. H.R. 31 R. 9199 with Driver ESI 671 in connection with the Panchayat election duty of on patrolling duty were going from Sacha Khera village towards Danoda by-pass then on the turn of Danoda, a special informer met and gave the information to I, ASI that Satyawar s/o Karta Ram and Ashok Kumar s/o Jaipal residents of Sacha Khera, Ram Singh s/o Sukhdev r/o Kasampur, Virender s/o Panna Lal r/o Jamalpur Shekha, Ajay s/o Virbhan r/o Hasangarh and Ashok s/o Shamsher Singh r/o Bobua who were riding in two vehicles marka Innova H.R. 66B 9369 and H.R. 19 5205 Marka Ritz, out of which Ajay s/o Virman resident of Hasangarh is wearing fake uniform of sub-inspector of Haryana Police and Ashok Kumar s/o Shamsher resident of Bobua is wearing fake uniform of constable of Haryana Police. All the above said persons are roaming around the Village Santhli in both the vehicles, who have illegal weapons, who have called some people from outside near the canal minor bridge on Danoda to Santhali road by luring them to double the money. The person above mentioned has a bag in which they affixing the original after note of hundred rupees each on the surface of pieces of paper by putting pieces of cutting paper in the middle, are trying to rob by cheating outsiders if monitoring be done on Danoda to Sainthli then Road, the accused can be apprehended. After found information is sure and reliable, I, ASI formed a raiding party by informing the fellow employee about the informer and informed the higher officials about the information and informed 5/6 persons coming and going about the situation and asked them to become witnesses, but all the persons expressed their helplessness and without revealing their name and address went away from the spot. Then, I, ASI stopped the Government vehicle on the Danoda to Santhali road by hiding it in the cover of bushes on the track of canal minor and started monitoring. waiting for some time, After on Danoda to Santhali came road from a car Village side Santhali and stopped near the canal minor bridge and one S-Presso vehicle Marka Maruti from Danoda side and stopped there, persons were traveling in the Ritz came two car and three persons were traveling in the S-Presso car, five persons got down from the vehicle and started talking to each other. Out of which two persons were carrying bags on their shoulders, in the meanwhile, a speeding Innova car stopped from the side of village Sainthali with red blue beacon on it, out of which two persons Haryana wearing were uniform

and two persons were Police in civil dress. The four persons who got down from the Innova car started trying to snatch the bags from the persons who got down from the S. Presso car. I, ASI immediately came out of the bushes with a fellow employees and tried to apprehend the persons standing on the road, two persons started running towards the Ritz car, out of which a person wearing a the apprehended accused under supervision of fellow employees, went at the accident spot with HC Shamsheer 699 and saw that both the occupants of the car and the driver of the Mahindra Imperio Camper were injured. At that time Incharge C.I.A., ASI Sukhdev Singh No. 31/ Sirsa alongwith fellow employees H.C. Randhir no. 285 C. Jaswinder 1303 and S.P.O. Sandeep Kumar 899 came to the spot in the private vehicle and after taking out the injured from both the vehicles and asked their name and address, the person sitting on then the driver's seat disclose his name as Ashok Kumar s/o Jaipal alias Pala Ram and the sitting on the adjacent seat person told his name as Satyawar alias Sata son Karta Ram Chowkidar, residents of Sacha Khera, the said Satyawar was carrying smoky and blue coloured bag in his bag and in his right hand he was carrying an illegal 315 bore pistol, which was taken into possession and checked it after opening the barrel, then it was found empty bullet in the barrel. Then 1. ASI conducted the search of Satyawar alias Satta and Ashok Kumar, then two live cartridges of 315 bore were recovered from the right pocket of the safari suit worn by the accused Satyawan, then the recovered illegal pistol 315 bore was measured and the butt length was 10.5 cm. Barrel length 13.4 cm. and the length of the body is 9 cm was found. There is a hammer on upper side and below trigger and trigger guard and a safety catch was affixed on front of the guard, whose sketch was prepared separately and when the bag was opened and checked, 40 bundles were recovered with 100/100 rupee notes on top and bottom and pieces of paper in the middle on inside the paper cuttings bag. Separate parcels recovered pistol 315 bundles were bore and prepared separately of fake and sealed with the stamp A.S. and prepared sample seal for both the parcels were taken into police possession through property Seizure memo and the accused and witnesses put their signatures on the property Seizure memo. Both the accused and passerby camper's driver son of Mahender Krishan resident of Sinsar at present Nawana making them sit in the government vehicle by giving appropriate instructions were sent to Civil Hospital Narwana for treatment

alongwith HC Shamsher Singh and C. Jaswinder Singh 1303. Then I, ASI on reaching near the Innova car on the spot, asked the arrested persons one by one the names and addresses, then the Innova driver gave his name as Ram Singh s/o Sukhdev Singh alias Leela Kasampur Distt. Fatehabad, Virender alias Balwinder alias Balender Shekha s/o Distt wearing Haryana Panna Lal Fatehabad, r/o Jamalpur The person Police sub-inspector's uniform gave his name and address as Ajay s/o Virman r/o Hasangarh district Hisar. The person constable's wearing Haryana police uniform told his name as Ashok alias Sunny s/o Shamsher Singh alias Shera r/o Bobua, district Hisar. Ajay and Ashok alias Sunny who were wearing police uniforms and badge, when the police asked for their I-card, no one could persons produce who the I-card. in the S. came The three Presso car gave their names and addresses as Ajmer Singh s/o Hari Chand r/o Karoda District Kaithal, Shivkant s/o Mohan Lal Chachda at present House no. 491 Gali No. 7 Kotkapura Road Tilak Nagar Shri Muktsar Sahib Punjab and the third one told his name as Praveen alias Dimple s/o Baja Ram resident of Agond District Kaithal. That Ajmer Singh had a leather khaki colored bag hanging on the shoulder, which opened and checked. Inside, 8 bundle of worth Rs 4 lakhs of Rs 500/500 were recovered, after preparing its parcel separately, the parcel and S. Preso Car No. HR 08 A.C. 5745 were taken into police possession through property Memo. Ajmer Singh and the Seizure witnesses signed their respective signatures on the Property Seizure Memo. The search of car Innova was carried out according to the rules, then a total of 6 number plates D. L. SC.K 4468, H.R 26A.B. 6871 and H.R. 26A.C. 7893 were recovered from the dash- board of the vehicle, which were put inside a plastic box and parcel was prepared separately and sealed with the stamp A.S. The Vehicle no. H.R. 66B 9369 Marka Innova color white and accidental car Ritz No. H.R.19G5205 and the accidental vehicle Mahindra Emprio No. HR 906615 were taken into police possession through accused property Seizure the and witnesses memo. put respective signature property The their Seizure memo. Then on inquiry, Ajmer Singh and Shivkant above said told that Praveen alias Dimple son of Baja Ram resident of Agond had lured us that you arrange carts of Rs 500/500 notes worth four lakh rupees, instead of this, I will get you carts of genuine Rs 100/100 notes worth Rs 7 lakhs in Danoda area from my acquaintance. On his asking, we after arranging the money of rupees four lakhs we had come allurement of

to this Praveen area under the alias Dimple. Accused Ajay and Ashok Kumar, wearing fake police uniforms, after wearing the civil dress which were kept in the Innova car. the belts, badges and caps were seized by the police through property seizure memo. On the property Seizure memo, accused Ajay and Ashok Kumar and above said witnesses put their own signatures and the lob and blue beacon on the car Innova were taken into police possession property seizure the as evidence through memo. The accused and witnesses put their respective signature on the property seizure memo. The seal after use Pr.C. Hardeep Singh handed over was 632. The to accused namely Satyavan alias Satta, Ashok Kumar, Ram Singh, Virender alias Balwinder alias Balender, Ajay. Ashok alias Sunny and Praveen Kumar directly on aforesaid fired a the police party short with intention of kill, with the intention of committing crime, by wearing fake police uniform and badges, by keeping fake number plates, by driving at high speed and recklessly, by causing an with the intention of accident, cheating, by putting real notes on the top and bottom of the papers, fake bundles prepared, by keeping illegal pistol in his possession without license and permit, committing an offence under section 148, 149, 307, 170. 420, 279, 336, 427 of IPC, 25 1B (A) /54/ 59 Arms Act. Therefore a ruga is being sent to the police Station through c. Vikas 74 for registration of FIR. of the case be informed Number after registration of FIR. Other Investigating Officer be sent on the spot for further investigation and the special report of the case be sent to the senior officials. I, ASI alongwith accompanying officials and alongwith accused persons and case property is present at the spot.”

4. Learned counsel for the petitioner(s) submits that the allegations against the petitioner(s) are with respect to wearing police uniform and misrepresentation.

5. Challan already stands presented. Despite the fact that both the petitioner(s) have undergone custody for a period of 1 year 3 month and 4 days. None out of 21 cited witnesses could be examined despite the fact that almost all the witnesses are official witnesses.

6. Learned State counsel does not dispute this fact. It is also not disputed that no injury was suffered in the incident.
7. Keeping in view the incarceration period suffered by the petitioner(s) and the fact that the trial is not likely to conclude in the near future, the present petition is allowed. The petitioner(s) are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09th February, 2024
spn

Whether speaking/reasoned : Yes
Whether Reportable : No