



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

CRM-M No.36478 of 2024
Date of decision: 23rd September, 2024

Harpreet Singh @ Babu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Ravinder K. Manaise, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.463 dated 26.09.2023 under Sections 392, 120-B, 395, 412 of the IPC registered at Police Station Division No.7, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case for allegedly looting gold along with his co-accused from some smugglers. While drawing the attention of this Court to the FIR in question (Annexure P-1), it has been further argued that completely false and baseless allegations have been levelled against the petitioner and his false implication finds credence from the fact that he has no criminal antecedents. It has still further been submitted that the alleged recovery of gold has also been planted upon the petitioner, which is evident from



the fact that neither the details of the smugglers from whom gold was looted had been brought-forth nor the accused to whom the looted gold was sold had been nominated as an accused in the present case. It has also been argued that the petitioner has now been in custody since 26.09.2023; the challan stands presented, however, charges have not yet been framed, hence, further incarceration of the petitioner would serve no useful purpose. Learned counsel has also submitted that identically placed co-accused Satnam Singh @ Sodhi has since been extended the concession of bail by this Court vide order dated 12.08.2024.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Bhupinder Singh, has submitted that a secret information was received, following which raids were conducted and the petitioner and the co-accused were apprehended from a Scorpio vehicle and a recovery of ₹2.00 lakhs was effected from him. It has been further submitted by the learned State counsel that a specific secret information had been received qua the petitioner. Hence, in view of the grave allegations, the prayer of the petitioner be declined.

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

5. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR in question, which are herein as under:



*“SHO PS Division No.7, Ludhiana, Jai Hind. Today myself ASI along with HC Amarjit Singh 214, SCT Manjinder Singh 1170, SCT Manbir Singh 1111, SCT Sukhdeep Singh 1877, L/CT Neelam Kumari 2713 and PHG Ashwani Kumar 12629 were present at Tajpur Chowk, near GT Road, Ludhiana on Government vehicle Tavera No.PB-10DX-0616 driven by ASI Manjeet Singh 2737 for patrolling and checking of bad elements. Then a secret informer came to me/ ASI and gave me a secret information separately that Neha daughter of Ramesh, resident of village Rania, PS Dhariwal, District Gurdaspur and Vishu resident of Saharanpur, UP who have returned from Dubai few months back and they used to work together in Dubai and they know about illegal smuggling of gold on Dubai-Amritsar route and Mohali Airport. Neha and Vishu knew about the persons who brought gold and other articles without license/ permit from Dubai to Mohali Airport. In order to loot the persons bringing gold, on the asking of Vishu resident of Saharanpur, Neha hatched a conspiracy with her accomplices namely Harjinder Singh @ Baba son of late Nirmal Singh resident of village Kalyanpur, PS Dhariwal, District Gurdaspur; Satnam Singh @ Sodhi son of late Pritam Singh, resident of near Government College, Trimmo Road, Gurdaspur; **Harpreet Singh @ Babu** son of Mewa Singh, resident of village Dev Nagar Ghurala, Tibri Road, PS Tibber, District Gurdaspur; Kamal Kishore son of late Diwan Chand, resident of Behrampur, District Gurdaspur and consequently, committed robbery of smuggled gold and other articles by sending Harjinder Singh @ Babu, Satnam Singh @ Sodhi, **Harpreet Singh @***



***Babu** and Kamal Kishore outside Mohali Airport. Now also all of them including Harjinder Singh @ Baba, Satnam Singh @ Sodhi, **Harpreet Singh @ Babu**, Kamal Kishore and Neha are sitting in their white Scorpio car No.PB-OR-8140 and waiting for somebody to sell the gold near Samrala Chowk, Ludhiana where buses for Chandigarh stop. If raid is conducted now itself, then Harjinder Singh @ Baba, Satnam Singh @ Sodhi, **Harpreet Singh @ Babu**, Kamal Kishore and Neha can be apprehended with the gold and other articles robbed by them. The information is cogent and reliable. With regard to illegal smuggling of gold from abroad through Airport without license/permit, the concerned department shall be contacted and necessary action shall be taken. Accused Harjinder Singh @ Baba, Satnam Singh @ Sodhi, **Harpreet Singh @ Babu**, Kamal Kishore, Vishu and Neha by committing robbery smuggled gold and other articles, have committed offences us 392, 120-B IPC. Therefore, present ruqa after being typed on private laptop by SCT Sukhdeep Singh 1877 against Harjinder Singh @ Baba, Satnam Singh @ Sodhi, **Harpreet Singh @ Babu**, Kamal Kishore, Vishu and Neha under the above offence and after getting it printed through the inverter printer installed in the Government vehicle, is being sent by hand through PHG Ashwani Kumar 12629 to police station for lodging of FIR. After registration of case, FIR number be intimated. Myself ASI along with police party leave for the spot for raid. Sd/- Dhanwant Singh ASI/210-LDH, CIA-II, Ludhiana, dated 26.09.2023. In the area of Tajpur Chowk, near GT Road, Ludhiana at 8:45 PM.”*



6. A bare perusal of the contents of the FIR reveals that although a secret information was received qua the involvement of the petitioner in the crime in question, however, as not disputed by learned State counsel, no details of the persons from whom the alleged gold was robbed was brought-forth either in the FIR in question or even in the challan, furthermore, even the names of the alleged purchasers of the robbed gold are missing in the challan nor have they been arrayed as an accused. It has not been disputed by the learned State counsel, on instructions, that challan stands presented however charges have not been framed so far; hence, in the circumstances, the possibility of the trial concluding in the near future seems unlikely.

7. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 23, 2024
rps

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