



CRM-M-37909-2024

-1-

**258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-37909-2024
Decided on : 12.08.2024

Satnam Singh @ Sodhi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Jatin Salwan, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.463 dated 26.09.2023 under Sections 392 and 120-B IPC registered at Police Station Division No.7, Police Commissionerate, 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 and after the challan was presented and charges framed, the trial has not made much headway, hence, further incarceration of the petitioner would serve no useful purpose. Learned counsel has also submitted that identically placed co-accused have since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 23.07.2024 (Annexure P-3).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has submitted that a secret information was received, following which raids were conducted and the petitioner and the co-accused were apprehended while sitting in a Scorpio vehicle with cash and gold paste, which was then recovered from them. 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.



CRM-M-37909-2024

-3-

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

To the SHO Police Station Division No. 7 Ludhaina, Jai Hind Today I ASI alongwith 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 Tarpur Chowk near GT Road Ludhaina in connection with patrolling and checking of bad elements and suspicious vehicle, on government car make Tavera bearing No. PB10 KX 0616, whose driver was ABI Manjit Singh 2737 and then a special messenger cane and informed me, ASI, separately that Neha daughter of Ramesh resident of village Rania, Police station Dhariwal Gurdaspur and Vishnu resident of Saharanpur Uttar Pradesh, who have come from Dubai few months back and they were working in Dubai together and they are having knowledge about the illegal smuggling of gold on the way of Dubai to Amritsar to Mohali airport and Neha and Vishnu were aware about the persons who had brought Gold and other article without license/permit from Dubai through Mohali Airport. Neha on asking of Vishnu resident of Saharanpur hatched the conspiracy for looting the person, who brought Gold. Alongwith her companion Harjinder Singh @ Baba son of late Nirmal Singh, Village Kalyanpur, Police Station, Dhariwal, District Gurdaspur, Satnam Singh alias Sondhi Son of Late Pritam Singh resident of near Government College Treemo Road, District



Gurdaspur, Harpreet Singh Babbu son of Mewa Singh resident of village Dev nagar Ghurala, Tibbi Road, Police Station Tibbar District Gurdaspur, Kamal Kishore son of late Diwan Chand resident of Behrampur, district Gurdaspur and with their planning they sent Harjinder Singh Babba, Satnam Sing @ Sodhi, Harpreet Singh Babbu and Kamal Kishore and they have looted the smuggled gold and other articles. Now Harjinder Singh @Babba, Satnam Singh Sodhi, Harpreet Singh @ Babbu, Kamal Kishore and Neha all are sitting in the car make Scorpio white in colour bearing No. PB-06-R- 8140at Samrala Chowk, Ludhiana, near the buses bound for Chandigarh for selling the gold and waiting for somebody and in case just now raid is conducted then Harjinder Singh Babba, Satnam Singh @ Sodhi, Harpreet Singh Babbu, Kamal Kishore and Neha above said can apprehended along with Gold and other articles looted by them, that information is strong and trustworthy regarding the information of smuggling of Gold without license/permit from abroad through airport and matter will be consulted with the concerned department and required action will be taken and Act of accused Harjinder Singh Babb, Satnam Singh @ Sodhi, Harpreet Singh Babbu, Kamal Kishore, Vishnu and Neha above said for looting the smuggled gold with their common intention constituted the offence under Section 391/120- B IPC therefore ruqa is being typed under above said offence by SCT Sukhdeep Singh 1877 on private laptop and by getting the print of the same through printer fitted in the govt, vehicle, and being sent through PHG Ashwani Kumar 12629 for



registration of FIR accused Harjinder Singh @Babba, Satnam Singh Sodhi, Harpreet Singh @Babbu, Kamal Kishore and Vishnu and above said Neha. Number of FIR be intimated after registration. I, ASI along with companion proceed to the spot for raid. Sd/- Dhanwant Singh ASI/210-LDH, CIA-2, Ludhiana Dated 26.09.2023.”

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 and even charges framed; the petitioner is not involved in any other criminal case, 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 deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



CRM-M-37909-2024

-6-

7. 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.

12.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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