

IN THE COURT OF MONIKA GOYAL,
SPECIAL JUDGE; SAS NAGAR MOHALI

CNR No.PBSA01005190-2019
Bail application CIS No.1432-2019
DATE OF DECISION: 3.7.2019

Sanjeev Kumar aged 45 years son of Karnail Singh resident of Village
Rampura Gujran, P.S Moonak Distt. Sangrur.

.....Applicant/Accused

Versus

State of Punjab

....Respondent.

First Bail application under Section 439 Cr.P.C for the
grant of regular bail, in case FIR No.1 dated
12.4.2019 under Section 406, 392, 201, 411, 412, 34
of IPC and 13(1)(a), 13(2) of P.C Act.
State Crime Phase 4 Mohali

Present: Shri B.S. Ahluwalia Adv for applicant-accused
Sh. Manjit Singh Addl. P.P for the State

ORDER

This order of mine will dispose of bail application
moved on behalf of applicant-accused Sanjeev Kumar under Sections 406,
392, 201, 411, 412, 34 of IPC and 13(1)(a), 13(2) of P.C Act, by
invoking the provisions of Section 439 Cr.P.C.

2. When notice of the bail application was issued, learned
Addl. P.P for the State appeared. Investigating Officer also appeared.
Challan has already been presented by the police and is available with this
Court.

3. I have heard the learned counsel for the applicant-accused, learned Addl. P.P for the State and have also gone through the record.

4. FIR in this case has been registered on the basis of the complaint moved by “Father Anthony Maedasser” on the allegations that the complainant is a partner in the firm being run under the name and style of M/s Sahodhaya having registered office at 595 2nd Floor Jai Singh Complex Model Town Ludhiana. The said firm is dealing in the sale and purchase of Stationery items and books which are being provided to various schools being run by Diocese Jalandhar all over Punjab. The admissions in all the schools have started and due to new academic session, the books and stationery items are being provided to various schools by the said firm and the sale proceeds of the said books and stationery items were being collected at the house of the complainant situated in Village Partapura Tehsil and Distt. Jalandhar. Complainant further submitted that about 30 unidentified persons, dressed in police uniform, with an idea to commit robbery, forcibly trespassed into the said house armed with deadly weapons like Revolvers, AK-47 and other guns and in the presence of bank officials, who were called in the said house, took away the complainant and other resident after snatching their mobile phones and even Mr. Roger was also taken away illegally and forcibly. The entire cash which was available in the said house had been

removed and immediately complaint was given to the Commissioner of Police Jalandhar and even the report was also sent to various higher officials. Complainant, further submitted that total amount of collections of the said firm was Rs.30,34,54,988/-, out of which a sum of Rs.14 Crores had been deposited with South Indian Bank and it was the official of the said Bank, who were counting the Indian Currency to take the same to be deposited in the account held by the said firm. Complainant further submitted that he was kept in police custody by the police officials of SSP Khanna and there was one S.P Manjit Singh and other police officials, who had kept the complainant in wrongful custody throughout the night and it was informed that the amount which was brought is in fact owned by the firm M/s Sahodhaya and ultimately he was released from illegal custody at 5 A.M on 30.3.2019 with the instructions that the money which was taken into custody has been sent to the Income Tax Authorities Ludhiana and even a notice was served upon the complainant by the Income Tax Authorities to appear before the Income tax Office at Ludhiana on 30.3.2019 and when on 30.3.2019, the complainant went to the Income Tax office Ludhiana, he was shocked to realize that the amount which has been given to the Income Tax Authorities was only Rs.9,66,00,000/-, while the amount taken away from the house of complainant was Rs.16,34,54,988/- and in this manner the police officials have misappropriated a sum of Rs.6,65,00,000/- and have used the same

for their own benefit. He also alleged that police had not informed the local police. Complainant further alleged that even in police custody, various documents were got signed from him, which were in Punjabi and he has no knowledge of Punjabi. He submitted that the police officials had committed theft after making preparation for causing death or injury to the complainant or other persons present in the house and they had committed dacoity. It is pertinent to mention here that thereafter on the above said complaint, DGP Punjab ordered for registration of FIR.

During investigation of the present case, investigating agency has recorded the statements of various witnesses and it has come on record that as per the Report of SIT made under the Chairmanship of Shri Parveen Kumar Sinha, IPS/IGP Crime-I, Inspector Gurdeep Singh was Incharge of the party who had raided at the house of the complainant on 29.3.2019. Co-accused Joginder Singh and Rajpreet Singh and some other police personnel were part of the police party as advance party. Inspector Gurdeep Singh Incharge of the said raiding party has clearly stated in his statement recorded before the SIT that he had raided the place only as per the message received by him from the co-accused ASI Rajpreet Singh and ASI Joginder Singh, who were already present at FMJ house Partapura Jalandhar, before he reached there. Inspector Gurdeep Singh also disclosed that the ASI Rajpreet Singh and ASI Joginder Singh and one private man Surinder Singh came separately in a white Car make

Verna along with some cash and they never informed him about the recovery of more cash. During investigation it has also come on record that the photographs of these co-accused were shown to the eye witnesses and they have identified them being the same persons.

Allegations against the present accused/applicant are that he is a commission agent and on 31.3.2019, out of the looted cash, co-accused ASI Joginder had given a sum of Rs.18 lacs to accused/applicant Sanjeev Kumar and on 2.5.2019, accused/applicant was arrested and on the basis of the disclosure statement suffered by him, he has got recovered the above said looted money from his residential house.

5. Learned Counsel for the bail applicant has argued that the accused/applicant has been falsely implicated in the present case. He further submitted that accused/applicant is innocent and he has not committed any offence. He accused/applicant is in custody since 2.5.2019. Learned Counsel further submitted that though the challan has been presented, but the prosecution will take indefinite time to conclude the trial and as such no useful purpose would be served by keeping the accused/applicant further more in custody and prayed for the grant of regular bail to the accused/applicant.

6. Learned Addl. P.P for the State had argued that there are serious allegations against the accused/applicant that he had connived

with the other main co-accused, as he had kept the substantial amount of the looted money, at his residence in order to misappropriate the same in connivance with the main accused. Learned Addl. P.P further submitted that though the challan has been presented in the Court, but the material witnesses are yet to be examined and as such if this state, accused/applicant is released on bail, there is every possibility that he will influence the material witnesses in order to give false statement before the Court or to resile from their earlier statements given during the investigation of the case and prayed for dismissal of the bail application.

7. Taking into account the facts and circumstances of the present case, this court is of the considered view that there are serious allegations against the accused/applicant that he had connived with the main accused ASI Joginder Singh and ASI Rajpreet Singh and he had kept the substantial amount of Rs.18 lacs out of the looted money, at his residence, which has already been got recovered by him. Learned counsel for the accused had argued that the prosecution will take time to conclude the trial and as such no useful purpose would be served by keeping the accused/applicant further more in custody, but as per my view, till the examination of the material witnesses before the Court on oath, accused/applicant can not be released on regular bail, as there is every apprehension that in case at this stage, he is released on bail, he will influence the material witnesses not to give statement/true version before

the Court against them. Moreover, when the accused/applicant has got recovered a sum of Rs.18 lacs from his residence, he has failed to give any explanation as to how and why he had kept such a heavy amount of Rs.18 lacs with him without making any inquiry from main accused ASI Joginder Singh a Government official, as to how and from where, he had procured such a huge amount, when he is a salaried person. Consequently, at this stage, I find no ground to release the accused/applicant on regular bail at this stage and as such the present bail application is hereby dismissed. Record of bail application be attached with the challan file of this case.

Pronounced in open court

Dated: 3.7.2019

* Balwinder Singh
Stenographer grade I

(Monika Goyal)
Special Judge,
SAS Nagar Mohali
Unique I.D No.PB. 0439

Present:- Sh. B.S Ahluwalia Adv counsel for applicant-accused.
Sh. Manjit Singh Addl.P.P for the State.

Arguments have been heard. Vide my separate detailed order of even date, the bail application has been dismissed as per the details enumerated therein. Records of bail application be attached with the challan file of this case.

Pronounced in open court
Dated: 3.7.2019

(Monika Goyal)
Addl. Sessions Judge,
SAS Nagar Mohali
Unique I.D No.PB. 0439

* Balwinder Singh
Stenographer grade I