

CRM-M-27118-2024
CRM-M-40862-2024
CRM-M-29734-2024

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2025:PHHC:015286



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

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Date of decision: 03.02.2025

1. CRM-M-27118-2024

Sanjeev Kumar @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-40862-2024

Rajeev Singh @ Chotu Pehalwan

....Petitioner

Versus

State of Punjab

....Respondent

3. CRM-M-29734-2024

Ajay Bnewala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yagsimant Attri, Advocate
for the petitioner(s) in CRM-M-27118 & 40862 of 2024.

Ms. Malkit Kaur, Advocate
and Mr. H.S. Rakhra, Advocate
for the petitioner in CRM-M-29734-2024.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M
Nos.27118, 40862 and 29734 of 2024, as common questions of law and



facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-40862-2024.

2. Prayer in these petitions filed under Section 439 of the Cr.P.C., is for grant of regular bail to the petitioner(s) namely Sanjeev Kumar @ Kala, Rajeev Singh @ Chotu Pehalwan and Ajay Bnewala in FIR No.18 dated 26.01.2024 registered under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), offence under Sections 465, 468, 471, 170, 171 IPC and Sections 25/54/59 of Arms Act added later on, at Police Station Dasuya, District Hoshiarpur.

3. As per the prosecution case, the FIR (supra) has been registered on the complaint filed by Gurmeet alleging that he is a wrestler and is practicing alongwith Krishan, Sandeep, Ram Mehar, Rohit, Pankaj Kumar, Vikas and Ajay Banewala in Kaithal (Haryana). Ajay Bannewal told him that his friend Rajiv Singh is running an Akhara in District Hoshiarpur and is a famous wrestler, who discloses himself to be a police official. He introduced them to Rajiv Singh. They met Rajiv Singh in his Akhara where they practiced also. Ajay Bannewala disclosed that Rajiv Singh is his old acquaintance and is having connection with higher police officers. That he had paid Rs.13 lacs for recruitment as ASI in Punjab Police. He asked the complainant and others that they can become police official by making payment to Rajiv Singh. Thereupon, the complainant on assurance by Rajiv Singh and Ajay Bannewal paid Rs.15,50,000/- to Rajiv Singh and Ajay Bannewal through bank transfers. Besides him, Ram Mehar, Vikas,



Pankj, Rohit, Sandeep and Krishan also paid them Rs.13 lacs each through bank transfers. Several other boys also approached Rajiv Singh for joining police and payments were received from them by Rajiv Singh. They asked the complainant and others to collect their appointment letters from PAP, Jalandhar on 26.01.2024. Accordingly, complainant and others persons reached there and came to know that someone had attacked on Thar vehicle of Rajiv Singh. Lateron, they came to know that Rajiv Singh is not a police official and he himself got gunshot fired on his vehicle and has run away. They came to know that they had been cheated by the accused on the promise of getting them recruited in Punjab Police.

4. Learned counsel for the petitioner(s) *inter alia* contends that the similarly situated co-accused namely Harjinder Singh was granted the concession of regular bail by the learned Sessions Judge, Hoshiarpur on 14.03.2024 and he produced a photocopy of the said order, which is taken on record as 'Mark X'. He submits that the prosecution has not been able to connect the petitioner(s) with the accounts in which the alleged amount has been transferred and inspite of the fact that the petitioner(s) are behind the bars for the last more than 01 year, the trial has not even commenced as charges are yet to be framed and the petitioner(s) namely Sanjeev Kumar @ Kala and Ajay Benwala are not involved in any other case whereas the petitioner – Rajeev Singh @ Chotu Pehalwan is involved in one more case, which was registered on the same day when the FIR (supra) was registered.



5. Learned counsel for the petitioner – Sanjeev Kumar @ Kala, submits that he has not named in the FIR and he has been nominated as an accused on the basis of disclosure statement made by co-accused and only a recovery of police uniform has been effected from him.

6. Learned counsel for the petitioner – Ajay Bnewala, submits that he is one of the victim and he has been duped of Rs.15.00 lacs for providing a job in Punjab Police.

7. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) have cheated innocent citizens on the pretext of providing them job in Punjab Police and one more person namely Kalyan Singh has made a similar complaint against the petitioners. Learned State counsel has strongly opposes the prayer for grant of bail to the petitioner – Rajeev Singh @ Chotu Pehalwan on the ground that he received Rs.1 crore 30 lacs on the pretext of providing jobs to innocent persons in Punjab Police and one pistol was also recovered from him and as such, he is not entitled for any relief, however, he could not controvert the fact that charges are yet to be framed and conclusion of the trial will take long time.

8. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last 01 year. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the



concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

9. A two Judge Bench of Hon'ble Supreme Court in "***Satender Kumar Antil vs. CBI***", (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

10. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.



11. In view the discussion above, the petitions i.e. CRM-M No.27118 and 29734 of 2024, are allowed, however, keeping in view the fact that the petitioner – Rajeev Singh @ Chotu Pehalwan has received Rs.1 crore 30 lacs on the pretext of providing jobs to innocent persons in Punjab Police and one pistol was also recovered from him, therefore, he is not entitled for any relief. Accordingly, the petition i.e. CRM-M No.40862 of 2024, is dismissed. Whereas, without commenting upon the merits of the case, the petitioner(s) namely Sanjeev Kumar @ Kala and Ajay Bnewala are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

12. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

13. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

03.02.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No