

State Vs. Ranjit Singh

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Court : Delhi

Decided On : May-07-1978

Reported in : 14(1978)DLT185

Judge : V.D. Misra, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439(2)

Appeal No. : Cr. Misc. (M) No. 47 of 1978

Appellant : State

Respondent : Ranjit Singh

Advocate for Def. : B.S. Singh, Adv.

Advocate for Pet/Ap. : K.K. Sud, Adv

Disposition : Application dismissed

Judgement :

V.D. Misra, J.

1. This is an application under Section 439(2) of the code of Criminal procedure for cancellation of the bail of respondent Ranjit Singh. It is alleged that the respondent has been intimidating two prosecution witnesses. Three incidents are mentioned. First relates to 7 May, '78 when witness Kundan Lal was threatened which resulted

in proceedings under Section 107/150 of the code of criminal procedure, Second is of 11 May, 1978 when witness Darshan Lal Lodged a report with the police and a case under Section 506, Indian Penal Code was registered against the respondent. Thirdly, a case under Section 307/34 Indian Penal code was registered against the respondent on August, 29, 1978 since he attempted to assault the said Kundan Lal and, in fact, stabbed his brother-in-law Shyam Sunder. In these circumstances the state alleges that the witnesses are being subjected the pressure, intimidation and, threats, with a view to deter them from deposing truthfully in court.

2. The respondent has, in reply placed on record copies of the various reports made by he respondent and or the members of his family from time to time. It is apparent from the report (Annexure B to the reply) submitted by Assistant Sub Inspector Gopal Dass of Police Station Shahdara, to the Sub Divisional Magistrate, that at one time the respondent Kundan Lal and Darshan Lal were working as property dealers. Thereafter they separated and the respondent started working independently. There were some disputes between the parties and on August, 31, 1975 ASI Gopal Dass requested the sub Divisional Magistrate to take security proceedings against both the parties. On September, 12, 1975 sub inspector Sulch Lal of Police Station Shahdara, Delhi arrested amongst others, the respondent and Kundan Lal under Section 107/151 Criminal Procedure Code. On November, 10, 1977 the day of Divali, it is alleged that the respondent fired three shots from his revolver at Darshan Lal. Though Darshan Lal escaped one of the shots hit a passer by Fakhruddin who died. The respondent was arrested under Section 302, Indian Penal Code on November, 15, 1977. in charge of police post Shahdara, sent Kalendra under Section 107/150 Criminal Procedure Code, to the Sub Divisional Magistrate against amongst others, Darshan Lal and Kundan Lal. It was stated that Darshan Lal and others tried to raise communal feelings and to have Hindu Muslim riots. It was also apprehended that Darshan Lal, Kundan Lal and others were out to fight with the party of the respondent and so security processing against them were requested. On march 19, 1978. Takht Sing, brother of the respondent lodged a report with Police Station Shahdara, that Darshan Lal along with two other persons had come to his shop to kill him and burn his shop.

3. It was on January 23, 1978 that the respondent was directed to be released on bail. On May 11, 1978 Darshan Lal and Kundan Lal lodged a report against the respondent alleging that the latter had threatened to launch false prosecutions in Delhi and other parts of India against them. It was further alleged that on April 10, 1978 at about 10 p.m. the respondent had shouted outside their house that any one daring to give evidence against him shall be done to death. The respondent his brother and father were read under Section 506 Indian Penal Code, but later on released on bail. Thereafter the respondent complained to the Home Minister against Darshan Lal and Kundan Lal.

4. On August 29, 1978 a fight took place in which Pritam Singh, brother of the respondent and Shyam Sundar brother-in-law of Kundan Lal, were injured. Two cross-cases were registered. A case under Section 307/34, Indian Penal code was registered against the respondent his brother, their father and one Iqbal Singh. A cross case was registered under Section 308/34, Indian Penal Code against Kundan Lal Shyam Sunder, Nathu Singh and Vijay Kumar. All the accused were duly arrested. On September 16, 1978 the respondent and his brother Takht Singh were admitted to bail. The police has completed the investigation and has found a prime facie case against both the parties.

5. The facts, discussed above, show that the respondent Ranjit Singh and his party were at loggerheads with the party of Darshan Lal and Kundan Lal. Both seen to be desperate in character. Security proceedings were taken against both the parties from time to time. While the respondent was in custody in connection with the murder case, Kundan Lal and Darshan Lal were found to be out to foment not only Hindu Muslim riots but also to quarrel with the opposite party and commit breach of peace. It appears that after the respondent was released on bail in January, 1978 the old disputes came up against Mr. Sud, standing counsel for the state, contends that the fact that proceedings under Section 506, Indian Penal Code, were initiated against the respondent following the report of Darshan Lal shows that the respondent was out to interfere with the course of justice by threatening the witness. I have gone through the report of the police-officer ASI Zale Singh (Annexure B to the application). The only specific allegation made against the respondent is that on April 10, 1978 he along with his sons came to the house

of Darshan Lal at above 10 P.M. and threatened him. Surprisingly Darshan Lal waited for one month to lodge the report on May 11, 1978. This report does not disclose why Darshan Lal did not report immediately. I cannot overlook the fact that both the parties are desperadoes and each was out to involve the other in criminal cases.

6. As regards the incident of August 29, 1978 I have pursued the case a diaries of the two cross-cases. Reports required to be submitted to the court under Section 173, Criminal Procedure Code, been prepared. The responded was well as Kundan Lal and others have been blamed. It may be recalled that the respondent was released on bail on September 16, 1978.

7. It is no doubt true that whenever an accused released on bail misuses the privilege of bail and attempts to win over the witnesses or otherwise tempers with the prosecution evidence, his bail should be Cancelled (Gurcharan Singh and Ors. v. State (Delhi Administration A.I.R. 1978 S.C. 179. But it is also not in doubt that the power to take back into custody the accused, who have been enlarged on bail, has to be exercised with care and circumspection and only if it is clear that the accused is interfering with the course of justice by tempering the witness. (The State through the Delhi Administration v. Sanjay Gandhi : 1978 CriLJ952 for getting the bail cancelled the prosecution has only to prove by balance of probabilities that the accused has abused his liberty or that there is a reasonable apprehension that he will interfere with the course of justice. However, in this case, as already stated, the witness and the accused have been enemies of each other over a long period of time. The character of the witnesses does not appear to be such that they are likely to be influenced or intimidated in any manner whatsoever by the accused. Moreover, it has been brought to my notice that the respondent has already informed the Station House Officer, Police Station Shahdara, on November 1, 1978 that he is leaving Delhi in order to save himself from false prosecutions at the hands of these witness and would be returning only on the date of hearing which is November 21, 1978. Bawa Gurcharan Singh, learned Counsel for the respondent States that the respondent is now at Kartarpur in Distt. Jullunder. He also undertakes that the respondent will continue to remain there till the date of hearing fixed in this case or unless directed by any court to appear

earlier. In these circumstances, no case for cancellation of the bail is made out and the application is dismissed.

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