

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-45829-2024  
Reserved on: 17.02.2025  
Pronounced on: 28.02.2025

Gurwinder Singh @ Prinkle ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.P.S. Ghuman, Advocate,  
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. Parunjeet Singh, Advocate,  
for the complainant.

\*\*\*\*

ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                                                   | Sections                                                                                                          |
|---------|------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 165     | 10.08.2024 | Sadar Ludhiana, District Police Commissionerate Ludhiana, Punjab | 356(2), 351(3), 79 of BNS and Section 67 of IT Act (Later on added Section 299 of BNS and Section 67-A of IT Act) |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 23 of the bail petition and as per paragraph 7 of the reply dated 30.09.2024, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Dated      | Offenses                                  | Police Station          |
|---------|---------|------------|-------------------------------------------|-------------------------|
| 1.      | 253     | 20.12.2013 | 307, 326, 452, 295, 506, 120-B and 34 IPC | Division No.7, Ludhiana |
| 2.      | 235     | 04.08.2022 | 509 IPC and Sections 67 & 67-A of IT Act  | Division No.7, Ludhiana |
| 3.      | 227     | 16.11.2022 | 509 IPC and Sections 67 & 67-A of IT Act  | Division No.7, Ludhiana |

3. The facts and allegations are being taken from the reply dated 30.09.2024 filed by the State, which reads as follows:

“3. That the brief factual matrix pertaining to the present case are mentioned hereinbelow:

- i. That it is respectfully submitted that a written complaint was lodged by an individual namely Gurpreet Singh (hereinafter referred to as "the complainant"), with the Commissioner of Police, Ludhiana. In the said complaint, it was alleged that the complainant, a baptized Gursikh, has been a preacher and orator of the Sikh religion for the past 25 years and is connected with the public through his YouTube channel titled "Harpreet Singh Makhu." The complainant alleged that a few days prior, Gurwinder Singh @ Prinkle (the petitioner) had made inappropriate statements on Facebook, prompting the complainant to interview the individual in question and publish the interview on Facebook.
- ii. That subsequently, the petitioner allegedly called the complainant via WhatsApp, during which he verbally abused him. The complainant further alleged that the petitioner edited the said conversation and posted it on social media with the intent to tarnish the complainant's image. The petitioner also referred to the complainant as "Makhi and published a video on his Facebook page titled "Makhu Kach di Banyi Rel, Saare Suno, where he repeatedly used derogatory terms like "Makhu Khach" which, according to the complainant, had hurt the religious sentiments of his large following.
- iii. Thereafter, the petitioner allegedly published a live video on his Facebook page where he made several derogatory remarks, stating, "People will stop seeing Sunny Leone," "People will see less of Sonu Seetuwala," but "people will see more of your elder women, who will be seen more on social media." The petitioner also allegedly made further inflammatory statements, including "You speak lies while keeping a beard," "Makhu is an international fraud," among other disparaging remarks. The complaint further mentioned that the petitioner used extremely derogatory language on social media, specifically through several live broadcasts made on his facebook page "Prinkle Ludhiana".
- iv. That additionally, the complainant alleged that the petitioner had created fake Facebook profiles, wherein offensive and derogatory content targeting women was posted. As a result of the aforesaid allegations, the present case i.e. FIR No. 165 dated 10.08.2024 has been registered under Sections 356(2) and 351(3) of the Bharatiya Nyaya Sanhita, along with Section 67 of the Information Technology Act.
- v. That it is pertinent to mention that, pursuant to the registration of FIR a notice was duly issued to the petitioner, directing him to join the investigation. The notice was served upon the petitioner on 20.08.2024.

However, despite receiving the notice, the petitioner has failed to cooperate and has not joined the investigation to date.”

4. The petitioner’s counsel argued that the petitioner is a reputable and law-abiding citizen, finds himself ensnared in a web of false allegations orchestrated through an FIR lodged by Harpreet Singh, a self-proclaimed journalist and social media influencer. This FIR, rather than serving the ends of justice, appears to be wielded as a tool of coercion, strategically employed to subdue the petitioner into submission to certain vested interests exploiting their influence within the state apparatus. He submits that the complainant, built upon an intricate yet dubious narrative, accuses the petitioner of engaging in defamatory social media activities, including the use of derogatory language, issuing threats, and misrepresenting conversations through manipulated digital content. These allegations are not only unfounded but also appear to be part of a larger campaign of harassment, aimed at maligning the petitioner's reputation. The complainant, Harpreet Singh, operates a YouTube and Facebook channel under the name 'Harpreet Singh Makhu,' disseminating sensationalized and unauthorized content for personal gain. His recent act of circulating baseless and slanderous claims involving Inderpreet Singh @ Honey Sethi, further exacerbated by vile comments targeting the petitioner's family, stands as a testament to his reckless disregard for truth and ethical journalism. He further submits that upon seeking redress and confronting the complainant regarding these fabricated allegations, the petitioner was met with insolence and threats rather than remorse or corrective action. Furthermore, the complainant claims that the petitioner used offensive language against Avi Sidhu, a known propagator of false narratives, whose actions have contributed significantly to the unwarranted defamation of the petitioner's family. Screenshots and other digital evidence substantiate the malicious intent behind these orchestrated attempts to vilify the petitioner. Compounding this ordeal, another self-proclaimed journalist, Harmanjeet Singh Bajwa @ Harman Bajwa, joined the ranks of the petitioner's detractors, propagating abusive content and issuing threats against him. The complainant further amplified these threats by sharing Bajwa's incendiary posts on his Facebook page, escalating the situation to alarming levels. He further submits that the petitioner, a respected entrepreneur engaged in the shoe business and widely recognized for his social contributions and political affiliations, has faced systematic retaliation due to his prominence. The culmination of this vendetta reached a horrifying crescendo on November 8, 2024, when masked assailants brazenly stormed the petitioner's shop in broad daylight and unleashed a hail of bullets upon him. In an extraordinary act of self-defense, the petitioner, exercising his lawful right, discharged his licensed firearm, successfully fending off the attackers and injuring one of them. Miraculously, despite

suffering six bullet wounds, the petitioner survived this heinous attempt on his life, a testament to sheer providence. The sheer audacity and brutality of the attack sent shockwaves through the community and captured widespread media attention, leading to the registration of FIR No. 0111 under multiple sections of the IPC and the Arms Act. The aftermath of this harrowing incident necessitated extensive medical intervention, with photographic evidence vividly documenting the severity of the injuries sustained by the petitioner. He further submits that despite the gravity of the threats against him, the petitioner encountered stark apathy from the law enforcement authorities. His mobile phone, seized as case property, did not deter him from persistently reaching out to the police officials through WhatsApp messages and calls, all of which were met with silence. Undeterred, the petitioner possesses irrefutable digital evidence of these ignored pleas, further underscoring the systemic bias and negligence that have marked his ordeal. The petitioner now seeks justice, not merely for himself but to expose and dismantle the entrenched misuse of power that has turned legal mechanisms into instruments of personal vendetta and suppression. His unwavering resolve remains steadfast in the face of adversity, standing as a beacon against the malicious forces determined to subjugate him.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the short reply dated 15.02.2025, which read as follows:

*"5. That in compliance of Order dated 19.11.2024 passed by this Hon'ble Court the petitioner joined the investigation on dated 21.11.2024. But the present petitioner is not cooperating with investigating agency and despite giving numerous opportunities has failed to submit/recover his mobile phone used in the present crime.*

8. The complainant's counsel also opposes bail. He submits that the petitioner has intentionally used obscene/abusive language and transmitted obscene material in electronic form against female members of the family of the complainant.

9. Counsel for the petitioner submits that the petitioner has already handed over his mobile to the police of Police Station Division No.3, Ludhiana in another case.

**REASONING:**

10. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

11. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.
18. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
19. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.
20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

28.02.2025  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.