

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

**Criminal Misc. No.M-21569 of 2011 (O&M)
Date of Decision: August 10, 2017**

Manjinder Singh Grewal

.....PETITIONER(s).

VERSUS

Union of India and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.S. Bhullar, Advocate
for the petitioner (s).

Mr. J.S. Lalli, Advocate
for Union of India.

Mr. S.S. Sandhu, Advocate
Special Prosecutor for CBI.

Ms. Rajni Gupta, Sr. D.A.G. Punjab.

SURINDER GUPTA, J.

Initially, petitioner Manjinder Singh Grewal had filed Criminal Writ Petition under Articles 226/227 of the Constitution of India, claiming the relief as follows:-

- “(a) issue of a Writ of Mandamus or passing of any other order or direction commanding the respondents to remove/delete the name of the petitioner from Surveillance Register kept at Police Stations of Dehlon and CIA Staff, Jagraon;
- (b) close the history sheet of the petitioner opened under the Punjab Police Rules, 1934.”

2. The Criminal Writ Petition filed by the petitioner was later treated as Criminal Miscellaneous Petition as per order of Hon'ble the Acting Chief Justice and was registered as Criminal Misc. No.M-21569 of 2011.

3. The petitioner has alleged that in the year 1967, he immigrated to England and since then, he is settled there as Non-Resident Indian. He seldom visited India and whenever he came here to meet his relatives, his stay was only for a month or so. In the year 1995-96, police officials started visiting village of petitioner and harassing his relatives. Petitioner wrote a letter to High Commissioner of India, London and also approached Member of Parliament of House of Common, England against the act of Punjab police. In June 2008, SHO Varinder Pal Singh of Police Station Dehlon came to his village and met his brother. He made inquiries about address, telephone number, particulars of petitioner and his properties, which was supplied to him. On repeated inquiries made regarding the petitioner, his brother inquired from the SHO about making of such inquiries. At this juncture, he was apprised that the name of petitioner is existing in '*Basta-B*' of the police station. After few days, some persons in civil dress came to his village to make similar inquiries and disclosed that petitioner is having criminal background and will be arrested as and when he will come to India. On further inquiries, petitioner came to know about incorporation of his name in column No.2 of the charge-sheet relating to the murder case of late Beant Singh, Chief Minister of Punjab. At no stage of proceedings, CBI took any steps to get the petitioner summoned as an accused because it was not having any evidence regarding the involvement of the petitioner in the

said crime. Petitioner is a senior citizen and respectable person, well-settled in England for the last 30 years. Despite letter written by Local M.P. To the High Commissioner of India, no response has been received regarding the information sought about involvement of petitioner in any illegal activities. On this ground, he has sought removal of his name from the surveillance register and history sheet opened by the police/CBI.

4. Case bearing FIR No.96 of 1995 for offence punishable under Section 302, 307 read with Section 120-B of Indian Penal Code and Sections 3 and 4 of Explosive Substances Act, registered at Police Station North Chandigarh for the incident dated 31.08.1995 in which former Chief Minister of Punjab S. Beant Singh and 16 others got killed, while 15 were injured in a powerful bomb explosion near the VIP Gate of Punjab and Haryana Civil Secretariat, Chandigarh, which was triggered by Dilawar Singh, who acted as 'human bomb'. The investigation was later handed over to CBI which after completion of investigation, presented challan against accused Gurmeet Singh, Lakhwinder Singh, Jagtar Singh @ Tara, Navjot Singh and Nasib Singh. Accused Wadhawa Singh, Mehal Singh, Jagtar Singh Hawara, Paramjeet Singh, Balwant Singh, Jagrup and Shamsher were declared as absconders. On arrest of Shamsher Singh, a supplementary charge-sheet was filed. Jagtar Singh Hawara and Balwant Singh were arrested by Punjab police on 22.12.1995. Both were formally arrested by CBI on 14.01.1996 and 20.01.1996.

5. The investigation of the case disclosed the criminal conspiracy hatched by the accused, which find mention in reply filed on 25.04.2011 by CBI, wherein role of petitioner has been described as follows:-

“7. That, the petitioner has a status of accused person in this case, who has been charge-sheeted. Since beginning, he is at large and remained absconder. In the supplementary charge-sheet No.6-B/95 dated 19.02.1996 in C.B.I. Case i.e.RC9(S)/95/SIU/SIC.II/CBI, New Delhi, (Sardar Beant Singh Assassination case) photocopy enclosed as **Annexure-I** (12 sheets), his name was mentioned at Serial No.1 in Column No.2 and his role has been elaborately mentioned in the body of the supplementary charge-sheet, on page No.5, which is reproduced here as under:-

'(iv) In June 1995, Manjinder Singh @ Baba ji S/o Ujagar Singh (a B.K.I activist), originally a resident of village Narangwal, Distt. Ludhiana, Punjab and now a British National and presently residing at 15, Park Road, Gravesend DA117 PA Kent(UK), came to Delhi and stayed in room No.37 of Gurudwara Sheesh Ganj Delhi. Said Manjinder Singh along with Jagtar Singh Hawara, established contacts with accused Balwant Singh.

(v) On June 23, 1995, Manjinder Singh @ Babaji booked room No.203 in Surya Guest House, Darya Ganj, Delhi, where he, accused Balwant Singh and Jagtar Singh Hawara assembled and discussed the security arrangements of S. Beant Singh and also the modalities to assassinate S. Beant Singh.

(vi) After returning from Delhi to Patiala, accused Balwant Singh met Dilawar Singh and discussed with him his meeting with Manjinder Singh @ Babaji and Jagtar Singh Hawara. Both Balwant Singh and Dilawar Singh decided to work together to carry out the plan to

assassinate S. Beant Singh.”

8. That later on, absconding accused Balwant Singh was arrested by Punjab Police on 22.12.1995. he was formally arrested in this case by the CBI on 14.01.1996 and remanded to police custody. During police custody, accused Balwant Singh volunteered to make confession and he was produced before the Court of Ld. ACMM, Patiala House Courts, New Delhi on 22.01.1996 and the court sent him to judicial custody. Accused Balwant Singh made a confessional statement on the following day which was duly recorded by Sh. V.K. Maheshwari, M.M. Patiala House Courts, New Delhi on 23.01.1996 U/S 164 Cr.P.C. In his statement recorded U/s 164 Cr.P.C., accused Balwant Singh disclosed in detail as to how he and other co-accused persons namely Harjit Singh Gill, Manjinder Singh Grewal @ Baba, Jagtar Singh Hawara conspired and killed Sardar Beant Singh and others on 31.08.1995. The photocopy of confessional statement of accused Balwant Singh recorded U/s 164 Cr.P.C. is also enclosed herewith as **Annexure-II** for ready reference (20 sheets).”

6. Learned counsel for the petitioner has argued that petitioner is not a convict and was never associated in investigation of case relating to murder of S. Beant Singh. Keeping his name in the surveillance register after 22 years of the incident, is not permissible under law and Punjab Police Rules.

7. Learned Special Prosecutor for CBI has argued that the petitioner was deeply involved in the incident, resulting in murder of former Chief Minister of Punjab S. Beant Singh and 16 other persons. The incident also resulted in injuries to 15 other persons. The petitioner was one of the

main conspirator along with Balwant Singh and Jagtar Singh Hawara etc., whose common object was to assassinate S. Beant Singh. The petitioner is a proclaimed offender and there is sufficient evidence of his involvement in the crime in this case. He will be taken into custody as and when he comes to India and will be put to trial. He is well aware of the fact that he is required by police in India. Present petition was filed in 2011 and till date, he never opted to come to India to join investigation. He has also provided financial help to accused Balwant Singh and Jagtar Singh Hawara through accused Resham Singh, settled in Germany.

8. Learned counsel for respondent has further argued that in addition to the statement of Balwant Singh, the witnesses examined during trial of co-accused of petitioner PW123 Harminder Singh had identified photograph of Manjinder Singh; PW124 Jasbir Singh has deposed regarding his visit and stay at Gurudwara Sheesganj, Delhi; PW124 Vinod Kumar Vats deposed about his visit and stay at Surya Guest House on 23.06.1995. He had also stated about meeting of Manjinder Singh with Balwant Singh and Jagtar Singh Hawara. His complicity in the conspiracy has also been discussed by learned trial Court while deciding the case *State Vs. Gurmeet Singh etc.* Sessions case No.2-A of 1995.

9. The issue raised by learned counsel for petitioner is deletion of name of petitioner from Surveillance Register No.X, which is maintained under Rule 23.4 Punjab Police Rules, which reads as follows:-

“23.4 Surveillance Register No.X.- (1) In every police station, other than those of the railway police, a Surveillance Register shall be maintained in form 23.4(1).

(2) *in Part I of such register shall be entered the names of persons commonly resident within or commonly frequenting the local jurisdiction of the police station concerned, who belong to one or more of the following classes;*

(a) *All persons who have been proclaimed under Section 87, Code of Criminal Procedure.*

.....”

10. Admittedly, petitioner is a proclaimed offender and as per Rule 23.4, his name requires to be entered in Surveillance Register. There is no basis for submission of learned counsel for the petitioner seeking removal of petitioner's name from Surveillance Register or history sheet.

11. Petitioner is aware that he is an accused in case relating to murder of Chief Minister of Punjab S. Beant Singh and 15 others. He filed this petition in the year 2011. Neither before filing this petition nor till date, he has either surrendered, sought bail or quashing of FIR registered against him. Name of a person, who is living abroad and against whom arrest warrants are in operation, cannot be ordered to be removed from surveillance register, so as to provide him opportunity to escape his arrest on his arrival in this country. He has opted to file this petition instead of availing other legal remedies and to co-operate with investigating agency by surrendering before it or before Court. Consequently, this petition has no merits. Dismissed.

August 10, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No