

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29404-2018 (O&M)

Date of decision:01.11.2018

Satwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rajvinder Singh Bains, Advocate, for the petitioner.

Mr. H.S.Grewal, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.28 dated 03.06.2017 under Sections 121/121-A/120-B of IPC and Sections 15/16/17/18 of Unlawful Activities (Prevention) Act, 1967 and Section 25 of Arms Act, registered at Police Station Pojewal, District SBS Nagar, Punjab.

The allegations against the petitioner are that the SI Rajiv Kumar, while on patrolling duty, had received a secret information that one Gurdial Singh, the petitioner Satwinder Singh and Jagroop Singh, had relation with Lakhbir Singh Rode; the self styled President of the banned organization named the International Sikh youth Federation. Being active members of this banned organization; they all; in connivance with one Balbir Singh, resident of Paddi Sura; who was then residing in Germany, were involved in terrorist activities against India; to harm its unity and integrity and that they were looking for an opportune time to strike in Punjab through an act of terror so as to create a disturbance in the State. It was also in the information that many cases of terrorist activities were already pending against Gurdial Singh and he used to visit Pakistan to plan terror and take orders from the elements entrenched there. He met Balbir Singh Germany there. Besides this Gurdial

Singh also met Lakhbir Singh Rode and one Harmeet Singh PHD, resident of

Amritsar; who was then residing in Pakistan. He had also taken Jagroop Singh to Pakistan in the year 2016; where Jagroop Singh was given training by Lakhbir Singh Rode, Balbir Singh and Harmeet Singh PHD. It was further informed that they were having deadly arms with them. They are influencing and alluring youngsters to join the terrorist activities and they are trying to revive terrorism in Punjab. If immediate action is not taken against them then they are likely commit a big terrorist activity. Finding this information to be reliable the above-said FIR was registered.

Arguing his case the counsel for the petitioner has submitted that as per the police on 30.06.2017 Gurdial Singh and Jagroop Singh were arrested. They also disclosed the involvement of the petitioner in these activities. Accordingly on 30.06.2017 itself the petitioner was also arrested. After arrest the alleged recovery from the petitioner are of one Laptop, one mouse, filled-up Pakistan visa applications of 5 persons and 47 blank visa forms, Photostat copies of Passports of 22 persons, Gurmat Parkash Books, one diary of Pakistan Gurudwara Prabandhak Committee, one car of Honda make with registration No.PB-32V-1886, 4 Mobile Phone and one SIM Card of Vodafone. Even if the recovery is taken to be correct then also no offence under Section 121 IPC can be said to be involved in the case. Recovery of Books and visa forms do not make any offence at all. No weapons is alleged to have been recovered from the petitioner. During the investigation the police have not found anything to connect the petitioner to either any terror activity or to the other terror accused. It is contended that the Laptop, Mouse and Phones are available with everybody now a days. But no incriminating information or material was found by the police in the Laptop or the Phones; allegedly recovered from the petitioner. No terror link of the petitioner is found by the

police. There is no other case against the petitioner. The investigation is complete qua the petitioner and he is not required for any investigation purpose. The veracity of the disclosure statements of the co-accused is a moot point and the same is to be ascertained by the Court during trial.

On the other hand the learned counsel for the State has submitted that recovery has been affected from the petitioner. Although vide order date 20.07.2018 of this Court; learned counsel for the State was granted time to produce the report of the Cyber Crime Cell to point out the connectivity of the petitioner to other persons named in the FIR. However, he has not disputed the fact that on their scrutiny no incriminating information or material was found in the Laptop or Mobile Phones recovered from the petitioner. It is also not disputed that no other evidence sufficient to connect the petitioner to any terror activity or terror organization was found during investigation. It is also not disputed that there is no other case against the petitioner. However, his sole reliance is on the disclosure statements of the co-accused.

In view of the above submissions of the counsel for the petitioner; and also keeping in view the facts which are not even disputed by the learned State counsel, but without commenting any further on merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial; subject to his furnishing bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

01.11.2018

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No