

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

**CRM-M-35288-2018  
Date of decision:29.08.2018**

Chamkaur Singh

....Petitioner

Versus

State of Haryana

.....Respondent

\*\*\*\*

**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

\*\*\*\*

Present: Mr. Ranjit Singh Sehrawat, Advocate  
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana  
assisted by SI Bhagwan Das (SIT).

\*\*\*\*

**GURVINDER SINGH GILL, J. (ORAL)**

The petitioner seeks grant of anticipatory bail in respect of FIR No.336 dated 26.08.2017 under Sections 148, 149, 307, 341, 353, 511, 121, 186, 188, 224, 225, 427, 435, 121-A, 130, 120-B of Indian Penal Code, 1860; Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Sections 25, 54, 59 of Arms Act, Police Station Sector 5, Panchkula.

The FIR in question was registered on the basis of statement of ASI Ramesh Kumar wherein it has been alleged that on 26.08.2017,

when he along with other police officials were taking Gurmeet Ram Rahim Singh Insan, head of Dera Sacha Sauda, Sirsa, after he had been convicted, in a Scorpio vehicle towards District Inspector Nakka then suddenly one Jammer Car came from behind and overtook the Scorpio vehicle and blocked the way. Six persons alighted from the said vehicle, three of whom were dressed in Commando uniform, and the said persons attacked the Scorpio vehicle and tried to free Gurmeet Ram Rahim Singh Insan and to take him out of the Scorpio vehicle. The complainant with the help of other co-employees thwarted their efforts but the said persons raised '*Lalkara*' that they would not allow '*Pita Ji*' to be taken away and attempted to run over the police officials with the Jammer vehicle. It is alleged that the complainant and his co-employees barely managed to save their lives although the driver of the Jammer vehicle after reversing his vehicle had again attempted to run over the police officials. Ultimately the police officials were able to over-power three persons wearing Commando uniform and others also who were in civil uniform and who upon inquiry disclosed their identity as Head Constable Ajay, EHC Ram Singh, Constable Balwan Singh, ESI Krishan Dass, Pritam Singh, Khushbir Singh, EHC Vijay Singh. It is further the case of prosecution that upon search of Jammer car one automatic machine gun alongwith two sealed magazines wrapped with tape were found. One mouser along with twenty two cartridges apart from nine cartridges were also recovered. Apprehended persons could not however produce any license or proof of ownership in respect of the weapons in question.

Notice of the petition was issued to the State. Learned State

counsel has opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he is not even named in the FIR amongst the seven persons who were apprehended at the spot. It has further been submitted that the FIR in question was lodged about one year back and it is now that he is sought to be arrested.

On the other hand learned State counsel has submitted that the petitioner was part of a large conspiracy hatched by the members of the Dera to free Gurmeet Ram Rahim Singh Insan after he had been convicted. It has been submitted that during interrogation, co-accused had disclosed about the entire conspiracy which had led to arrest of another thirteen accused out of twenty two involved in the entire episode. Learned State counsel has informed that CCTV footage collected from the Court complex reveals that one attempt to free Gurmeet Ram Rahim Singh Insan was made right within the Court complex at Gate No.1 when some of the co-accused forcibly tried to free Gurmeet Ram Rahim Singh Insan and to make him sit in their vehicle but due to timely intervention of security personnel present there the said attempt was thwarted and the said persons who were part of said attempt were identified by other security officials deputed at the spot. Learned State counsel submitted that in view of the aforesaid facts and circumstances, the petitioner is not entitled for grant of concession of bail.

Having regard to the aforesaid facts & circumstances and especially bearing in mind the nature of offence and the manner in which the accused had entered into the conspiracy to free a person convicted for

committing heinous crimes after the judgment of conviction had been pronounced, does not leave any room for grant of discretionary relief of anticipatory bail especially when the petitioner is also stated to have been identified by other security officials present at the Court complex and unfortunately majority of them belong to the disciplined force of police itself. In view of the abovesaid discussion the petition is hereby dismissed.

**( GURVINDER SINGH GILL )  
JUDGE**

**29.08.2018**  
Gaurav Sorot

Whether reasoned / speaking?      **Yes / No**

Whether reportable?      **Yes / No**