

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

(1)

**CRM No. M-41300 of 2018
Date of Decision : 12.11.2018**

Gurpreet Singh @ Gopi

...Petitioner

Vs.

State of Punjab

...Respondent

(2)

**CRM No. M-39543 of 2018
Date of Decision : 12.11.2018**

Pritam Singh

...Petitioner

Vs.

State of Punjab

...Respondent

(3)

**CRM No. M-40817 of 2018
Date of Decision : 12.11.2018**

Manvir Singh alias Mahant and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner(s) in (CRM-M-41300-2018 and
CRM-M-39543-2018).

Mr. H.S. Brar, Advocate
for the petitioners in (CRM-M-40817-2018).

Mr. A.S. Gill, A.A.G., Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. G.S. Ghuman, Advocate for the complainant.

Sudhir Mittal, J.(Oral)

This order shall dispose of above three petitions, viz. **CRM-M-41300-2018, CRM-M-39543-2018 and CRM-M-40817-2018** as the same

arise out of the common FIR.

The petitioners-Gurpreet Singh @ Gopi, Pritam Singh, Manvir Singh alias Mahant and Gurpreet Singh are seeking grant of regular bail in case FIR No. 47 dated 18.05.2016, registered under Sections 302, 307, 427, 148, 149, 212, 216, 120-B IPC and Section 25/27 of Arms Act, 1959 at Police Station P.A.U., District Ludhiana.

The allegations contained in the FIR are that the convoy of vehicle of one Baba Ranjit Singh Dhandrianwale was stopped by members of an opposing sect pursuant to a conspiracy allegedly hatched by the head of the said sect with the intention of killing Baba Ranjit Singh Dhandrianwale. The incident resulted in the death of one Baba Bhupinder Singh, who was seated in the vehicle ahead of the vehicle of Baba Ranjit Singh Dhandrianwale. After the attack, the driver of Baba Ranjit Singh Dhandrianwale drove the vehicle away from the spot and the said vehicle was followed by a Tata Safari vehicle and a Scorpio vehicle but the Baba managed to survive.

Learned counsel representing the petitioners submit that the petitioners are not named in the FIR. They were arrested on 24.05.2016 and a supplementary statement of even date was recorded just to identify them. Even as per the supplementary statement, the petitioners were allegedly armed with *Dandas* which were allegedly used to strike the vehicle in which Baba Ranjit Singh Dhandrianwale was seated. There is no allegation of use of any firearm by them. They have been in custody for over two years now and the trial is still at the initial stage as only two prosecution witnesses have been partially examined till date. Thus, the trial is not likely to be concluded at an early date. There is no criminal case pending against the

petitioners and, therefore, they may be released on regular bail.

Learned State counsel does not dispute the aforementioned factual submissions.

The complainant, represented through Dr. Anmol Rattan Singh Sidhu, Senior Advocate, submits that a well planned conspiracy was hatched by the head of the Damdami Taksal to eliminate Baba Ranjit Singh Dhandrianwale. Fortunately, Baba managed to survive but another follower Baba Bhupinder Singh lost his life. All out efforts were made to kill Baba Ranjit Singh Dhandrianwale and this becomes evident from the fact that after it was realised that the Baba had survived, his vehicle was chased for a distance of about 4 to 5 kilometers. The petitioners are all party to the said conspiracy and thus, a very serious offence has been committed by them. Further whenever the case comes up for hearing before the trial Court the members of the Damdami Taksal arrive in hundreds in a show of strength and under the circumstances, it would not be appropriate to release the petitioners on bail. The involvement of the petitioners is further evident from the fact that the Tata Safari vehicle, which chased the vehicle of Baba Ranjit Singh Dhandrianwale, was recovered by the police on 20.05.2016 and two of the petitioners, namely, Manvir Singh and Gurpreet Singh alias Gopi were found seated therein. Under these circumstances, the petitioners were named in the supplementary statement on 24.05.2016. There are other supplementary statements also which show that a weapon used in the incident was recovered from the house of Manvir Singh and the license of the said weapon was recovered from the Tata Safari vehicle on 20.05.2016. All these circumstances point to the close involvement of the petitioners in the crime and thus, they do not deserve to be granted regular bail.

At this stage, I am not inclined to go into the merits of the arguments raised by learned counsel representing either side as any observation made today may affect the outcome of the trial one way or the other. It cannot be disputed that the petitioners are members of the Damdami Taksal but whether they were actively involved in the conspiracy to eliminate Baba Ranjit Singh Dhandrianwale is a matter of trial. As on date I am only concerned with the specific allegations made against the petitioners in the incident of attack on Baba Ranjit Singh Dhandrianwale. The evidence on record only indicates that the petitioners were armed with wooden *Dastas/Dandas* and were part of a mob which attempted to stop the vehicle of Baba Ranjit Singh Dhandrianwale. There is no allegation that they were involved in use of firearms. There is also no allegation that they attempted to follow the vehicle of Baba Ranjit Singh Dhandrianwale when it was chased by a Tata Safari vehicle and a Scorpio vehicle. The mere fact that some of the petitioners were found sitting in the Tata Safari vehicle when it was recovered by the police on 20.05.2016, is not sufficient to point to their involvement in the conspiracy as such because being members of the Damdami Taksal, their presence in the vehicle owned by the head of the said sect cannot be said to be alarming. Thus, their presence inside the vehicle owned by the leader of Damdami Taksal would not in any manner be conclusive one way or the other. There is no other criminal case pending against the petitioners and thus, no useful purpose would be served by keeping them in custody as the trial is not likely to be concluded at an early date.

The petitions are accordingly allowed and the petitioners-
Gurpreet Singh @ Gopi, Pritam Singh, Manvir Singh alias Mahant and

Gurpreet Singh are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

In case, members of the Damdami Taksal, attempt to subvert the trial by a show of strength when the case comes up for hearing, the complainant side would be well advised to approach the local police to avert such a situation. It is further made clear that in case the petitioners are found to be indulging in threatening the witnesses or in any other way attempting to subvert the trial, the prosecution shall be at liberty to seek cancellation of their bail.

November 12, 2018
kanchan

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned : *Yes*
Whether Reportable : *Yes*