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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.43609 of 2017 (O&M)

DATE OF DECISION: MARCH 9, 2018

SITAL ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. H.P.S.GHUMAN, ADVOCATE FOR THE PETITIONER
IN CRM-M NO.43609 OF 2017.

MR. G.B.S.GILL, ADVOCATE FOR THE PETITIONER(S)
IN CRM-M NO.4204 OF 2018.

MS. DEIPA SINGH, ADVOCATE FOR THE PETITIONER(S)
IN CRM-M NO.3256 OF 2018.

MR. ASHOK PAUL BATRA, ADVOCATE FOR PETITIONER(S)
IN REMAINING CASES.

MR. HARBIR SANDHU, AAG, PUNJAB
FOR THE RESPONDENT/STATE
ASSISTED BY ASI JASWINDER SINGH, P.S. CITY MANSA.

MAHABIR SINGH SINDHU, J.

This order will dispose of the present petition alongwith CRM-M Nos.44739, 44751, 45730, 45737, 45951, 45269, 45272, 45287, 45288, 45297, 45445, 45466 of 2017 (O&M), CRM-M Nos.4204, 2767, 2776, 2793, 2861, 3070, 3097, 3256, 3331 and 3497 of 2018 (O&M), as all these petitions arise out of a common FIR and the facts have been noted from CRM-M No.43609 of 2017 with consent of both the parties for convenience.

1. The petitioners have filed the present petition under Section 439 Cr.P.C. of 1973 (for short 'Code') for seeking bail pending trial in FIR

No.62 dated 25.8.2017 under Sections 307, 436, 427, 148, 149, 120-B, 188 of Indian Penal Code read with Section 4 of Prevention of Damage to Public Property Act, 1984 and Sections 3 and 4 of Explosives Substances Act, 1908 (for short 'Act of 1908') registered at Police Station City-II, Mansa.

It is the contention on behalf of the petitioners that they are in custody since long and the report under Section 173 of the Code has already been submitted and even the charges have also been framed and nothing is to be recovered from them. It is further contended that the petitioners were not named in the FIR as they are alleged to be with muffled faces and have been roped-in on the supplementary statement of one Tirath Pal made on 29.8.2017, whereas the FIR was registered on 25.8.2017, i.e. after 4 days of the FIR.

On the other hand, it is argued by learned State counsel that the petitioners have threatened the very existence of the Court of Law by their action as is clear from the FIR that in case the Dera Chief is convicted, they shall burn the public property and actually, two cars were put on fire by the petitioners and they also entered in the office of Income Tax thereby throwing the petrol bottles, match boxes and baseball bats and created an absolute terror in the city. It is further contended that in case they are released on bail, there is every possibility that they will certainly threaten the PWs.

2. Heard both sides and perused the paper book.

3. The allegations against the petitioners in the FIR registered on the basis of statement of one Madan Lal, who is residing opposite to Income Tax Office, Mansa are that on 25.8.2017 at about 3/3.15 PM, he was

standing at the gate of his house, then three unidentified persons on their Apache motorcycle, colour yellow alongwith 10/12 unknown young persons came on their vehicles and were having petrol bottles in a jute bag, baseball bats and deadly weapons. They were raising slogans “Dhan Dhan Satguru Tera Hi Aasra” and were shouting that their father Sant Gurmeet Ram Rahim has been convicted and lesson is to be taught for his conviction. They were having covered faces and exhorted that Income Tax Office and other articles be put on fire and all these unknown persons entered into the Income Tax office to put on fire the building and set on fire the vehicle Swift Dzire No.PB-31R-0124 standing there and another car Alto Vehicle DL-4CH-7329 belonging to employee Omkar Meena and broke window panes of the car with baseballs and they also poured petrol on both the vehicles which were set on fire. He, alongwith employees of the Income Tax Department raised noise and said persons had a scuffle with them, but because of their hue & cry all these unknown persons went away from the spot on their respective vehicles leaving behind empty bottles of petrol, match stick and one baseball. He alongwith Omkar Meena were going to inform the police, then the police met them at Thikriwala Chowk near Bus Stand and recorded his statement.

4. It transpires that during investigation, the statement of one Tirath Pal was recorded on 25.8.2017 under Section 161 Cr.P.C. and thereafter, on 29.8.2017, said Tirath Pal got recorded his supplementary statement and all the petitioners have been duly named with their parentage, caste, profession and proper address and thus, the same is categoric. Thereafter, one Gurpreet Singh, who is also a Dera follower, got recorded

his statement under Section 161 Cr.P.C. before ASI Lakha Singh on 30.8.2017 and named the present petitioners. Even said Gurpreet Singh got recorded his statement under Section 164 Cr.P.C. before learned Chief Judicial Magistrate, Mansa on 16.9.2017 and which reads as under:-

> *"Stated that I had started going Dera Sacha Sauda for the last two-three months. I was inspired by Subhampreet son of Parveen Grover resident of Link Road, Mansa to go there. On 17.8.2017 there was hearing of Pita Ji in CBI Court at Panchkula and the Ld. Judge had ordered Pita Ji to appear in person before the Court on the same day but due to sickness, he could not appear before the Court on that day and the Ld. Court adjourned the case for next date i.e. for 25.8.2017. It was spread in the Dera that the Court judgment could be against the Pita Ji and then Rakesh Dirba Member of Management Committee held meeting of 45 Committee members of Punjab and ordered to do 'Naam Charcha' in all Deras of Punjab regions twice a day, daily and to inspire lot of persons to put their presence and participate in 'Naam Charcha'. From that day, 'Naam Characha' started daily. I also started attending going in Dera at Nangal Khurd. Everyday, the responsible persons of Committees of Dera including Suraj Bhan, Balwinder Mota, Sukhdev Halwai, Kiranjit Singh, Kuldeep Singh, Vicky, Parminder Singh, Avtar Singh, Nanak Chand, Varinder Kumar, Bittu Singh, Satpal, Pawan Kumar Cashier, Dr. Major Singh, turn by turn on the pretext of 'Naam*

Characha' used to provoke the Sangat (followers of Dera) to be ready for damaging the Government property at large so the Government may be forced to release Pita-Ji. Groups of 15-15 or 20-20 persons be made and make arrangements of Petrol, Dangs and Sticks etc. whatever needed. If money is needed then to get the same from Pawan Kumar Cashier. Balwinder Singh alias Binder and Baljinder Bunty had made a group of 18 persons consisting of Kuldeep Singh, Satpal Singh, Gurdeep Singh, Rajinder Singh, Ujagar Singh, Harpreet Singh, Sheetal Kumar, Hari Singh, Gaurav Singla, Pushpinder Singh alias Romi, Sekhan Goyal, Tarsem Painter, Vicky, Arbel Singh, Aman and Rakesh Kala. Arbel Singh is well known to me and he had asked me to involve myself in their group. But I thought that if we will not abide by the Court orders then nothing remains forward. Then Balwinder Singh and Baljinder Singh had identified Income Tax Office, Mansa and properly examined the spot. On 24.8.2017 Balwinder Singh called a meeting of above said 18 persons in the office of 'Green S' near Bus Stand, Mansa. On that day, I did not enter in side, but I heard the entire conversation by standing on the side where Balwinder Singh told that he had arranged petrol, you have to listen news at any place where you want to sit and when the news regarding judgment against Pita Ji will be announced then immediately you, on your sources (vehicles), in the groups of 2-2 or 3-3 persons lased with your weapons, have to reach the

office of Income Tax. On that day, I did not go on my work and was hearing news by sitting at my house. When I heard the news regarding judgment against Pita ji then I thought that I have to look what Balwinder Singh etc. will do and then I came out from my house on my motorcycle and there was abandoned everywhere. When I reached out of Income Tax office and saw that two vehicles parked in the office premises were on fire and Balwinder Singh etc. were sitting on their vehicles, hurriedly. I perplexed and apprehended regarding involvement of my name and then I returned on my motorcycle towards my house. I also thought not to tell anything to any person but on 30.8.2017 I encouraged myself and reached police station and stated the entire occurrence to ASI Lakha Singh."

Perusal of the statement under Section 164 Cr.P.C. clearly reveals that all the petitioners have been duly named alongwith other co-accused.

5. A violent mob has no face. It barges with the strong motive to create terror and paralyze the normal life of the society. Faith doesn't teach cruelty and violence against other human beings; rather it is used for uniting and strengthening the people at large. No doubt, the petitioners have also the Right to life and liberty; but that doesn't mean to endanger the life and liberty of the innocent citizens. Creating terror in the mind of general public, duly armed, paralyzing the entire city, violating the law, is taken as a joy ride by the petitioners. Facts reveal that they have projected themselves as Rulers of the State at that juncture. To terrorize the public at large is a

heinous crime and that should be dealt with a stern hand. It is unfortunate that in the name of faith, a handful of these elements have taken the law in their own hands and put the general public as well as entire Administration on their toes. Even the life protecting agencies were also in danger and ultimately curfew was imposed in order to maintain peace. The entire city was brought to a halt by the petitioners alongwith other co-accused as members of unlawful assembly. They were just destroying public property, playing mischief by fire, torching vehicles and risking the lives of general public. A feeling of contentment being presumed by such persons that comes after taking the law in hands has to be knocked down with full force in order to maintain the rule of law and to protect the society, otherwise everyone feel insecure and there will be a total chaos.

6. The petitioners had a very desperate idea to destabilize the society on account of conviction of Dera Chief and to put an extreme pressure on the Government and the Court to release the convict in a rape case. Meaning thereby, the petitioners have no respect for Court of law and thus, when they have threatened the very existence and majesty of the law, then there is no occasion for this Court to take an undue lenient view in their favour; rather they deserve no concession for releasing on bail. There is sufficient material collected during investigation that the petitioners tried to thwart the Court of law from discharging its obligations by putting pressure in a well planned and pre-conceived conspiracy and with their nefarious designs. Burnt cars have been recovered during investigation and charges have also been been framed and those are serious enough and Section 436 of IPC and Section 3 of the Act of 1908 are punishable for life. This Court is

fully convinced that there is a strong apprehension that the petitioners will terrorize and pressurize the PWs in case they are released on bail.

7. In view of the discussion made hereinabove, all the petitions stand dismissed.

8. The trial Court is directed to at least examine complainant-Madan Lal, Tirath Pal and Gurpreet Singh as early as possible in view of the fact that they have taken the risk to come forward against the present petitioners. The State Police is directed to take due care of the life and liberty of complainant, Madan Lal, Tirath Pal and Gurpreet Singh as well as their family members in view of the scenario of this case.

9. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Copy of this order be placed on each connected case.

March 9, 2018 **(MAHABIR SINGH SINDHU)**
Gulati **JUDGE**

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes