

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

**CRM-M No. 11301 of 2019
Date of Decision:-03.05.2019**

Vinod Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.132 dated 31.10.2018, under Section 13 of Unlawful Activities (Prevention) Act, 1967, Sector 18 and 20 of Unlawful Activities (Prevention) Amendment Act, 2004, Sections 3,4 and 5 of the Explosive Substances Act, 1908 and Section 25 of the Arms Act, 1959, registered at Police Station Division No.4, Patiala. The petitioner is in custody since his arrest on 04.11.2018.

The FIR was registered on the basis of statement of Deputy Superintendent of Police (Investigation), Patiala, and founded on a secret information about involvement of Sabnamdeep Singh s/o Jasvir Singh in the

terrorist activities. The relevant extract of the contents of the FIR is extracted below :-

“.....that Sabnamdeep Singh son of Jasvir Singh, Jat, resident of village Arnetu, P.S. Ghagga, presently residing at Dera Kahangarh Road, Dera Samana, against whom the cases under Arms Act have already stand registered, that this Sabnamdeep Singh these days is participating in the terrorist activities and for some time he has been associated with the terrorist organization K.L.F. and apart from that he has formed a new organization Khalistan Gadar Force and is introducing new members to terrorist activities. He has already issued press note and threat letters upon the letter pad of Khalistan Liberation Force and Khalistan Gadar Force. He is being helped by the intelligence agency of Pakistan ISI and the old terrorists and members of K.L.F. and Babar Khalsa, who are providing him money and ammunition. Different tasks have been assigned to Sabnamdeep Singh for carrying out terrorist activities and other disruptive activities. These days he, along with his fellow men, is trying to carry out some blast at some crowded place, which may cause loss to life and property and spreading terrorist activities by carrying out killings. In case Sabnamdeep Singh arrested, the ammunition can be recovered from him and the details of all conspiracies, regarding terrorist activities, can also be obtained. Information can also be obtained regarding other persons or his companions, who are indulging in such conspiracies. The act of Sabnamdeep Singh in possessing illegal arms and ammunition and being member of terrorist groups

and hatching terrorist and incriminating conspiracies fulfills the ingredients of offence under Sections 13, 16, 18 and 20 of Unlawful Activities, 3/4/5 Explosive Act, 1908 and 25/54/59 Arms Act. Hence, ruka is being sent for registration of case, under aforesaid offences, against aforesaid accused, through Constable Gurjant Singh 2151, at Police Station Lahori Gate.....”

Learned counsel for the petitioner contends that the only role attributed to the petitioner is that he printed the stickers of the said organization, which was allegedly engaged in unlawful activities. According to him, the alleged act was done by him as a part of his profession, who was not aware of the language contained in the alleged stickers, recovered from his shop, namely 'Sewa Printers', being run by his father. At this stage, learned counsel for petitioner has produced the statement of accused recorded under Section 164 Cr.P.C. before the Magistrate on 08.11.2018, wherein it was stated by him that two persons, namely, Gursewak and Sabnamdeep had come to his shop for printing the stickers for Khalistan Gadar Force but he was not aware of the organization. According to him the persons told him that stickers were to be used on vehicles and after few days he was arrested by the police. According to learned counsel for the petitioner, the investigation of the case is complete and challan stands filed before the competent Court.

On the other hand, learned State counsel, who is assisted by Jaspreet Singh, Deputy Superintendent of Police (Investigation), Patiala, has opposed the bail on the ground that the offences are of grave nature. According to him computer and printer, through which the stickers were

printed, have been taken in custody and the report of the FSL is yet to be received. However, it is not disputed that the petitioner is not an accused for commission of offence punishable under the Explosive Substances Act, 1908 and Section 25 of the Arms Act. There are in all 32 witnesses and the charges are yet to be framed.

Considering the case set up against the petitioner and the fact that the same is likely to consume considerable time, further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 03, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No