

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

(I)

CRM-M-43056-2018

Date of Decision:08.05.2019

CHARANJIT KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(II)

CRM-M-46643-2018

BHAG SINGH & ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Gupta, Advocate
for the petitioners in both cases.

Mr. Puneet Kumar Bansal, Advocate
for the complainant in both cases.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Charanjit Kaur, Bhag Singh and Harpreet Singh seeking anticipatory bail in respect of FIR registered against them vide FIR No.63 dated 19.3.2017 under Sections 452, 379, 427, 506, 295-A, 148, 149 of the

Indian Penal Code (Section 295-A added later on), Police Station Zira, District Ferozepur.

2. The FIR was lodged at the instance of Daljit Singh wherein it has been alleged that he is Head '*Sewadar*' of Udaseen Dera Dhan Dhan Baba Sri Chand situated in village Joinawala, Tehsil Zira and that Sri Guru Granth Sahib is being kept in the said Dera while maintaining proper rituals. It is alleged that on 17.12.2016 at about 9:30 a.m. Gurmeet Singh alias Meeta, Bhag Singh, Harpreet Singh, Sukhmander Singh, Rajwinder Singh, Kala Singh, Roor Singh, Bikkar Singh, Sukha Singh, Balveer Singh, Harjinder Singh, Charanjeet Kaur and some other 100 unknown persons suddenly entered the Dera and attacked the house of the complainant and also the Dera while being armed with deadly weapons. It is alleged that complainant was confined in his house and the accused hurled abuses to the complainant as well as to aged parents and also to daughters of the complainant. It is alleged that the accused broke the Nishan Sahib and also broke the door and other articles lying in the Dera and forcibly took away Sri Guru Granth Sahib after insulting and also took away other articles from the Dera. When the complainant attempted to restrain them, they issued threats to eliminate him and also made video of the incident.
3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that in fact the complainant is self-styled god-man who had encroached upon land and made a Dera in an illegal manner. It has been submitted that a

part of the land on which Dera is constructed actually belonged to petitioner-Charanjit Kaur and although the complainant and Dera claimed that Charanjit Kaur had donated the said land to the Dera but in fact the petitioner-Charanjit Kaur had never donated such land and had submitted representations in this regard to Senior Superintendent of Police, Ferozepur. Learned counsel for the petitioners further submitted that in fact various excesses had been committed by the Dera people and several persons had made complaints being aggrieved by their atrocities and some of which have been annexed as Annexure P-3. Learned counsel has submitted that it is these very persons who had now been arrayed as accused in the FIR, so as to pressurize them.

4. While opposing bail application, learned State counsel assisted by learned counsel for the complainant has submitted that Special Investigation Team had been constituted and upon inquiry, the allegations have been found to be correct and in these circumstances, no case for grant of anticipatory bail is made out. Learned counsel for the complainant has submitted that the presence of the petitioner-Charanjit Kaur is duly established from the photographs of the occurrence which have been passed by the complainant to the police. It has further been submitted that a majority of the alleged complaints filed against the complainant have been found to be false and are in fact an after-thought.
5. Learned State counsel has however informed that pursuant to interim directions, the petitioners have joined investigation.

6. Having considered rival contentions addressed before this Court and without commenting upon the veracity of the allegations levelled in the FIR and the stand taken by the petitioners regarding FIR being counter-blast to the complaints filed by the petitioners and other aggrieved persons and while bearing in mind nature of allegations and also the fact that the petitioners are stated to have joined investigation, in my opinion, it is a fit case for grant anticipatory bail to the petitioners. The petitions, as such are accepted and interim directions issued vide order dated 01.10.2018 passed in CRM-M-43056-2018 and order dated 22.10.2018 passed in CRM-M-46643-2018 are made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The petitions are accepted in the abovementioned terms.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

08.05.2019

Gaurav Sorot

**(GURVINDER SINGH GILL)
JUDGE**Whether reasoned / speaking? **Yes / No**Whether reportable? **Yes / No**