

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

(224) CRM-M-21349-2019
Date of Decision: 16.05.2019

RAMESH KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.
assisted by ASI-Gurdeep Singh.

MANOJ BAJAJ, J.

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.0132 dated 31.10.2018, under Section 13 of Unlawful Activities (Prevention) Act, 1967, Sections 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.

Learned counsel for the petitioner contends that at the time of registration of FIR, Section 16 of Unlawful Activities (Prevention) Act, 1967 and Section 120-B IPC were not contained in the FIR and the same have been added at the time of filing of *challan*. Learned State counsel does not dispute this fact. The petitioner is in custody since his arrest on 03.11.2018.

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 letter heads 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, printed from his printing press, namely 'Kangra Printing Press', being run by him. 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 letter heads for Khalistan Gadar Force but he was not aware of the organization. According to him the persons told him that letter heads were to be used for Gurudwara Prabhandak Committee, Amritsar 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 ASI-Gurdeep Singh, has opposed the bail on the ground that the offences are of grave nature. According to him alleged monitor, mobile phone and printer etc. through which the letter heads 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. Learned counsel also does not dispute this fact that the case of the petitioner is at par with the case of the co-accused, who was released on bail vide order dated 09.05.2019. There are in all 32 witnesses and the charges are yet to be framed.

Considering the above and the fact that the same is likely to consume considerable time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court in case FIR No.0132 dated 31.10.2018, under Section 13 of Unlawful Activities (Prevention) Act, 1967, Sections 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, (Section 16 of Unlawful Activities Prevention Act, 1967 and Section 120-B IPC) added later on at the time of filing *challan*, registered at Police Station Division No.4, Patiala.

The petition is allowed.

16.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No