

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

212

CRM-M-28419-2019 O & M)
Date of Decision:24.09.2019

Jatinder Singh @ Bhinder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.132 dated 31.10.2018, under Section 13 of Unlawful Activities (Prevention) Act, 1967; Sections 18, 20 of Unlawful Activities (Prevention) Amendment Act, 2004; Sections 3, 4, 5 of the Explosive Substances Act, 1908; Section 25 of the Arms Act, 1959 and further added offences under Section 16 of Unlawful Activities (Prevention) Act, 1967 and Section 120-B IPC, 1860, registered at Police Station City Division No.4, Patiala. Petitioner is in custody since his arrest on 19.11.2018.

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 name of the petitioner is not mentioned in the FIR and he has been indicted on the ground that he had set on fire an empty liquor vend. According to him, no such incident had taken place and nothing was recovered from the petitioner during investigation. He submits that co-accused of the petitioner namely Ramesh Kumar and Vinod Kumar have been granted regular bail by this Court in CRM-M-21349-2019 and CRM-M-11301-2019.

On the other hand, learned State counsel assisted by SI Karamjit Singh has opposed the bail application on the ground that the petitioner is involved in unlawful activities. He does not dispute this fact the petitioner is not involved in any other case much less of the similar nature. It is also not disputed that the petitioner was indicted only on the ground that he had set on fire empty liquor vend. Challan has been filed on 26.04.2019 but charges are yet to be framed.

Considering the above background and the fact that the trial is likely to take some 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

24.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No