

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43635-2019 (O&M)

Date of decision: 18.10.2019

Harinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Sekhon, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. D.S. Malwai, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in General Diary No.31 dated 10.09.2019 under Sections 295, 427 IPC, registered in FIR No.126 dated 24.08.2019 under Sections 295-A, 355 IPC, at Police Station City-I, Sangrur, District Sangrur.

Learned counsel for the petitioners submits that FIR No.126 was registered with the allegations that the accused persons have caused damage to Palki Sahib of Shri Guru Garanth Sahib situated in Vishwa Karma Mandir. It is further submitted that later on, after a delay of 17 days, present GD has been registered with the allegations that the petitioners have caused damage to the property.

Affidavit of Senior Superintendent of Police, District Sangrur filed in the Court today, is taken on record and paras No.2 & 3 of this affidavit read as under: -

“...That pursuant to the receipt of copy of order dated 14.10.2019, the answering deponent called for a report from SHO, PS City Sangrur, who submitted report dated 16.10.2019. Perusal of said report revealed that FIR No.126 dated 23.8.2019 u/s 295-A/355 IPC, PS City-I, Sangrur was registered on the statement of Harjit Singh s/o Gurnam Singh r/o Mata Rani Gali, Sangrur against Amandeep Singh Advocate son of Gurbax Singh, Manjit Singh @ Billu s/o Gurnam Singh, Paramjit Singh s/o Natha Singh, Bhim Sain Shop Keeper, Gurbir Singh @ Babby s/o Baldev Singh and Ranjit Singh s/o Joginder Singh etc. residents of Sangrur. The contents of his statement are mentioned in Annexure R-1/T. During investigation, the very important aspect involved in this case has come forward that earlier the Holy Guru Granth Sahib and the Statue of Baba Vishavkarma were established in one room and when Harjit Singh complainant of the main case and his associated separate the statue of Baba Vishavkarma in other room, due to which the dispute arose between both the parties. One hammer, iron angel, broken CCTV Camera, brick bats, pieces of cement of broken Palki Sahib, two pieces of broken steel railing lying at the spot, were taken into possession. Statements of the witnesses u/s 161 Cr.P.C. were recorded on 23.8.2019. Amandeep Singh, Bhim Sain and Manjit Singh were arrested on 23.8.2019

and accused Gurbir Singh was arrested on 25.8.2019. Accused Paramjit Singh and Manjit Singh joined the investigation on 12.10.2019 in the light of order dated 20.9.2019 passed by the Hon'ble High Court in CRM No.M-40340 of 2019 granting interim bail to these accused, which was made absolute vide order dated 14.10.2019. The case is still under investigation and on the completion of investigation, final report u/s 173 Cr.P.C. will be presented before the Court of Ld. Illaqa Magistrate.

That on the other hand, above said Amandeep Singh Advocate also made statement dated 10.9.2019 before S.I. Nirmal Singh, Investigating Officer. In view of the said statement, offence u/s 295/427 IPC was found to be made out and S.I. Nirmal Singh got a cross case registered under these Sections of law vide DDR No.31 dated 10.9.2019, against Harjit Singh s/o Gurnam Singh, Arvind Singh s/o Jaswant Singh, Harmeet Singh @ Lali s/o Rajinder Singh, Parminder Singh @ Fauji s/o Rajinder Singh, Rupinder Singh @ Kikki s/o Rajinder Singh, Harinder Singh s/o Arvind Singh, Amarjit Kaur wife of Arvinder Singh, Balwinder Singh @ Bittu s/o Gurmail Singh, Dilpreet Singh Dilbar s/o unknown, Rajwinder Singh @ Raju, Sukhwinder Singh s/o Dharam Singh, Jasvir Singh @ Jugnu Taxi Driver, Harmesh Singh s/o Kapur Singh and Mohinder Singh Negi s/o Lachhman Singh residents of Sangrur. The contents of statement made by Amandeep Singh are mentioned in Annexure R-2/T. During investigation of the cross case, statements u/s 161 Cr.P.C. were

recorded, accused Arvinder Singh Gurni was recorded on 13.9.2019 and as per his disclosure statement u/s 27 Evidence Act, a stick with which he had broken the CCTV Camera installed in Baba Vishavkarma Mandir, was taken into possession and was produced before the Ld. Illaqa Magistrate on 14.9.2019 and under the orders of Ld. Court, he was lodged in District Jail, Sangrur under judicial custody. Accused Harjit Singh was arrested on 11.10.2019 and as per his disclosure statement u/s 27 Evidence Act, Silver Umbrella (Chhattar)+ Mukat were recovered from him. On 12.10.2019, offence u/s 380/411 IPC was added...”

A perusal of the affidavit shows that the allegations against the petitioners in GD No.31 are that they have broken the CCTV camera as well as other property of the temple. It is further stated in the affidavit that despite the best efforts made by a team of District Administrative Officers, headed by Deputy Commissioner, Sangrur, it is found that there is apprehension of breach of peace and loss of life and property and therefore, calendra under Section 145 Cr.P.C. was presented before the SDM, Sangrur and Naib Tehsildar was appointed as receiver in exercise of powers under Section 146 Cr.P.C.

Learned State counsel, on instructions from Inspector Pritpal Singh and assisted by learned counsel for the complainant, has stated that now the SIT has been constituted to look into the allegations levelled in the FIR and in the cross-version case/GD No.31 and the case is still at the stage of investigation.

Learned counsel for the complainant has however submitted that vide judgment dated 14.02.2012 passed in a Civil Suit titled as Chamandeep Singh Vs. Baba Vishvkarma Mandir Sabha (Regd.) and others, in which

Arvinder Singh, father of petitioner No.1-Harinder Singh was arrayed as defendant No.3, a decree of mandatory injunction was passed in favour of the plaintiff, holding that election of the Sabha be conducted in accordance with the rules and regulations of the Society and the private defendants were restrained from convening any meeting of the Society. It is further submitted that thus, father of petitioner No.1 was restrained by the Civil Court to manage the affairs of temple and aforesaid judgment of the Civil Court has been upheld in the appeal.

After hearing learned counsel for the parties, considering the serious allegations against the petitioners and the fact that judgment of the Civil Court is against the petitioners' side and also in view of the fact that the matter is now still under investigation before the SIT and apprehending the threat to life and property, proceedings under Section 145 Cr.P.C. have been initiated, I find no ground to grant anticipatory bail to the petitioners.

Accordingly, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

18.10.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No