

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-45660-2021 (O&M)

Kulwinder Ram @ Kulwinder Kumar @ Mintu @ Mattu ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-46006-2021 (O&M)

Amrinder Singh @ Sabhi and others ... Petitioners

Versus

State of Punjab ... Respondent

Date of Decision:-7.12.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navjit Singh, Advocate,
for the petitioner in CRM-M-45660-2021.

Mr. Sushant Kareer, Advocate,
for the petitioners in CRM-M-46006-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Gurmeet.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Kulwinder Ram @ Kulwinder Kumar @ Mintu @ Mattu, Amrinder Singh @ Sabhi, Aditya Karwal, Chaterdeep Singh @ Dantu Walia

and Rajpal Ghai seeking grant of anticipatory bail in respect of a case registered vide FIR No.78 dated 14.4.2018 at Police Station City Phagwara, District Kapurthala under Sections 307, 332, 353, 186, 295, 427, 148, 149 of Indian Penal Code, Sections 25 and 27 of Arms Act and Section 8-A of National Highway Act, wherein offences under Sections 307, 295, 427 of Indian Penal Code, Sections 25, 27 of Arms Act and Section 8-A of National Highway Act were deleted later on.

2. At the time of issuance of notice of motion in CRM-M-45660-2021 titled Kulwinder Ram @ Kulwinder Kumar @ Mintu @ Mattu, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.78 dated 14.4.2018 at Police Station City Phagwara, District Kapurthala under Sections 307, 332, 353, 186, 295, 427, 148, 149 of Indian Penal Code, Section 25 and 27 of Arms Act and Section 8-A of National Highway Act, 1956, wherein offences under Sections 307, 295, 427 of IPC, Section 27 of Arms Act and Section 8-A of National Highway Act were deleted lateron, wherein he has been summoned with the aid of Section 319 Cr.P.C.

The FIR was lodged at the instance of ASI Amardeep Singh pertaining to an incident, which had taken place on 14.4.2018 in the area of Phagwara Town in respect of installation of Baba Sahib's Board at Paper Chowk, Phagwara (Kapurthala) by the workers of 'Ambedkar Sena' and others and when the workers of 'Shiv Sena' came to know about the same, they gathered there and tried to obstruct and stop the installation of the board at Paper Chowk on account of which there was a fight amongst the parties and which resulted in rioting, arson and affray and wherein one person lost his life while members of both the parties sustained several injuries.

Learned counsel has further submitted that in respect of the same incident another FIR i.e. FIR No.77 dated 14.4.2018 was also lodged at the instance of Inspector Gurmeet Singh, SHO Police Station City Phagwara. Learned counsel has next submitted that during the alleged rioting one person from the petitioner's side namely Yashwant Singh expired on 29.4.2018 in the hospital having sustained bullet injuries in respect of which offence under Section 302 IPC was added in FIR No.77 dated 14.4.2018.

Learned counsel for the petitioner has further submitted that in the said FIR i.e. FIR No.77 dated 14.4.2018, the 1st challan i.e. SC/25/2019 for offences under Sections 353, 186, 283, 188, 160, 148, 149 of Indian Penal Code and Section 3 of Prevention of Damage to Property Act was presented against members of both the parties. The 2nd challan i.e. SC/26/2019 was presented against the workers of the opposite party (Shiv Sena) under Sections 302, 307, 323, 148, 149 of Indian Penal Code, Sections 25, 27, 54, 59 of Arms Act and Sections 3(1)(t), 3(2)(v) of SC&ST (Prevention of Atrocities) Act. The 3rd challan i.e. SC/28/2019 was presented against one Harbhajan Summan for offences under Sections 323, 148 and 149 of Indian Penal Code.

It has further been submitted that another challan i.e. SC/27/2019 was presented in respect of the instant FIR i.e. FIR No.78 dated 14.4.2018 apart from the common challan presented i.e. challan No.SC/25/2019 in FIR No.77 dated 14.4.2018. It has been submitted that the petitioner had infact been declared innocent in respect of both the FIRs but subsequently has been summoned in respect of both the FIRs by way of invoking powers under Section 319 Cr.P.C. It has further been submitted that other identically situated co-accused, who had also been summoned with the aid of Section 319 Cr.P.C. have already been granted bail by this Court vide order dated 4.10.2021 (Annexure P-5).

Notice of motion for **22.11.2021**.

The petitioner is directed to appear before the learned Trial Court within a period of 10 days from today. Upon his appearance before the Trial Court, he shall be released on *interim* bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court.”

3. Even in the case of identically situated co-accused i.e. in CRM-M-46006-2021 titled Amrinder Singh @ Sabhi and others, they had been directed to appear before the Trial Court within a period of 10 days and the Trial Court was directed to release them on interim bail vide order dated 2.11.2021 passed in CRM-M-46006-2021.
4. Learned State counsel, upon instructions, has informed that pursuant to interim directions, the petitioners have appeared before the Trial Court.
5. Having regard to the fact that the petitioners have been summoned with the aid of Section 319 Cr.P.C. and have already appeared before the Trial Court and have been granted interim bail, both the petitions are accepted and the interim direction issued by this Court vide orders dated 1.11.2021 (in CRM-M-45660-2021) and 2.11.2021 (in CRM-M-46006-2021) are hereby made absolute subject to the condition that the petitioners shall appear regularly before the Trial Court and abide by any such condition as may be imposed by Trial Court for ensuring their regular presence.
6. A photocopy of this order be placed on the file of connected case.

7.12.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No