

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

(Proceeding through Hybrid mode)

**1. CWP No.21710 of 2021 (O&M)
Date of Decision: 13.12.2021**

**Narbir SinghPetitioner
Vs
Union of India and othersRespondents**

1. CWP No.22780 of 2021

**Prem SinghPetitioner
Vs
State of Punjab and othersRespondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner in CWP No.21710 of 2021.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Vivek Salathia, Advocate and
Mr. Haparteek S. Sandhu, Advocate
for the petitioner in CWP No.22780 of 2021 and
for respondent No.9 in CWP No.21710 of 2021.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Sunil Kumar Sharma, Sr. Panel counsel
for respondent No.1-Union of India.

Mr. H.S. Grewal, Addl. A.G., Punjab
for respondents No.2 to 4.

Mr. Sumeet Goel, Sr. Advocate with
Mr. Sangram Singh, Advocate
for respondent No.5/CBI.

Mr. Divanshu Jain, Advocate
for respondent No.6 in CWP No.22780 of 2021.

RAJ MOHAN SINGH, J.

CM No.17153-CWP-2021 in CWP No.21710 of 2021

This is an application under Section 151 CPC for placing on record written statement along with accompanying documents filed by respondent No.9.

Respondent No.9 has already been impleaded as party-respondent in the present case vide order dated 10.11.2021, therefore, the application is allowed. Written statement and accompanying documents attached therewith are taken on record, subject to all just exceptions.

Main case(s)

[1]. Vide this common order, CWP No.21710 of 2021 (O&M) and CWP No.22780 of 2021 are being decided.

[2]. In CWP No.21710 of 2021, petitioner seeks issuance of an appropriate writ, order or direction especially in the nature of mandamus directing respondent No.1 to deploy para-military forces to flush out the armed criminals, who have taken illegal possession of Gurudwara Bhath Sahib at village Patti, District Tarn Taran. Petitioner also prays for direction to meet his wife, minor children and other *sewadars* in the Gurudwara, who have been illegally detained by the armed persons and also direction to respondent No.5 to conduct a probe into the matter to unearth nefarious designs of the criminals and also probe the

role of respondents No.6 to 8, who are caught in CCTV footages while assisting many armed criminals in the process of taking possession and control of the Gurudwara. Petitioner has also prayed for issuance of necessary directions to respondent No.4 to ensure that food, water, medicines and other basic amenities are provided to the family members of the petitioner, who have been held captive inside the Gurudwara.

[3]. In CWP No.22780 of 2021, petitioner has prayed for issuance of an appropriate writ, order or direction in the nature of mandamus for the issuance of necessary directions to respondents No.1 to 4 to immediately deploy and grant armed police cover to the petitioner and his family members.

Since both the petitions have arisen out of similar cause of action, therefore, for brevity, facts are being culled out from CWP No.21710 of 2021.

[4]. Notice of motion was issued on 27.10.2021. Vide order dated 10.11.2021, Prem Singh has been ordered to be impleaded as party-respondent No.9. Reply on behalf of respondents No.2 to 4 has already been taken on record. Respondent No.9 has also filed his reply.

[5]. Learned counsel for the petitioner submitted that the petitioner-Narbir Singh is the Mukh Sewadar of Shri Bhath Sahib

Gurudwara at Patti, which is having great historic significance. The aforesaid Gurudwara was being looked after by Baba Daya Singh. During his life time, Baba Daya Singh had entrusted sewa of the aforesaid Gurudwara to his younger son Baba Gurbachan Singh. There are many devotees of Baba Daya Singh. Petitioner has been residing with Baba Daya Singh. After the death of Baba Daya Singh, petitioner remained with Baba Gurbachan Singh and served the Gurudwara in various capacities. Since the year 2019, petitioner has been the Mukh Sewadar of the Gurudwara Bhath Sahib and looking after the affairs of the Gurudwara. Baba Gurbachan Singh had constituted a Trust namely Sampardae Baba Bidhi Chand Welfare Trust to look after the affairs of the Gurudwara. Petitioner is also General Secretary of the Trust.

[6]. Learned counsel further submitted that on 16.10.2021 at about 2.00 A.M. to 3.00 A.M., there was total breakdown of law and order situation in respect of Gurudwara in question when armed persons intruded in the said Gurudwara in order to oust the petitioner from the management of the Gurudwara. The incident has been captured in the CCTV cameras installed at different points in the Gurudwara. Group of 15/20 people along with illegal weapons made forcible entry in the Gurudwara premises in the midnight of 16.10.2021 at about 2.03 A.M. The

petitioner has identified various persons, who were armed with illegal weapons and had entered Gurudwara premises along with their vehicles. These persons are having criminal background and dubious antecedents. Petitioner has named number of persons with the details of FIRs against them in the past. Petitioner also alleged that police party comprising of almost two dozen officials in Uniform arrived at the Gurudwara within 10 minutes of armed people having arrived at the spot. Soon thereafter second car arrived carrying Inspector Bhupinder Kaur, SHO, P.S. Harike. Petitioner also claimed that the distance of Police Station Harike from Shri Bhath Sahib Gurudwara is about 40 kms and Bhupinder Kaur, SHO was not having jurisdiction qua the place of Gurudwara in her official capacity. Soon thereafter, another police officer posted as SHO, P.S. Patti Sadar arrived at the spot with his own man and the said person was identified as Lakhmir Singh, SHO, P.S. Sadar Patti.

[7]. Petitioner has alleged the aforesaid facts with reference to CCTV footages to indicate that the aforesaid two police officials had no jurisdiction as the Gurudwara is located within the jurisdiction of Police Station City Patti. Thereafter large number of police officials entered the Gurudwara, who were led by DSP Kuljinder Singh, Sub Division, Patti. Back gate of the

Gurudwara premises was sealed by the armed criminals and police also verified the factum of sealing of gates by the criminals. Thereafter the petitioner, who is Mukh Sewadar and is residing in the Gurudwara premises with his wife and minor children was taken away by the Police party. Petitioner has pleaded these facts with reference to the CCTV footages indicating taking away of the petitioner at midnight and also checking done by the Police that the gates were properly sealed by the criminals. Learned counsel referred to one of the snapshot showing that DSP Kuljinder Singh can be seen asking the other police officials and criminals to remain quite as the whole operation is done silently.

[8]. Learned counsel further submitted that the petitioner was illegally kept by the police till 20.10.2021. A habeas corpus petition was filed in the High Court seeking release of the petitioner-Narbir Singh. Vide order dated 18.10.2021, a Warrant Officer was appointed to secure release of the petitioner. In order to justify the incarceration of the petitioner, proceedings under Sections 107 and 151 CPC were initiated against the petitioner on 16.10.2021 at 5.00 P.M. Petitioner was tortured and compelled to ask his wife and children to leave the Gurudwara premises so as to ensure that complete possession is taken by the armed criminals. Petitioner has also sent various

representations to the authorities for seeking help besides uploading many video clips on social media such as Facebook, Instagram, Whatsapp etc. indicating the illegal possession of the Gurudwara Sahib by deadly armed criminals.

[9]. Petitioner has also alleged that the master mind behind the whole plan is Baba Prem Singh, who happens to be the grandson of Baba Daya Singh and son of Baba Avtar Singh. Baba Prem Singh is an accused in a case under Section 307 IPC and the petitioner has reason to believe that the police has executed the plan at his instance. The incident was also published in leading newspapers having large circulation in the State of Punjab. Five persons namely (i) Mandeep Kaur, wife of Narbir Singh (petitioner); (ii) Jarnail Singh and (iii) Jodhbir Singh sons of Narbir Singh (petitioner); (iv) Ranjodh Singh son of Nishan Singh and; (v) Lovepreet Singh son of Sukhwant Singh have been illegally detained by the criminals in Gurudwara premises. These persons have also released their suicide notes on social media on account of threats being given by deadly criminals as well as by police officials. The detenues have not been provided with any food, water or medicine etc. Large number of police people have been sent to the Gurudwara to ensure that they do not kill themselves. From time to time, two Superintendent of Police have been going on the spot to

monitor the police contingent outside the residential premises, which is being supervised by the SP Baljit Singh (Security and Traffic) and SP Jagjit Singh Walia (Investigation).

[10]. With reference to the aforesaid facts, learned counsel further submitted that there is total lawlessness at the site and unholy nexus between the criminals and law enforcement agencies is writ large. The premises in question is having historic value wherein *Parkash* has been done of Shri Guru Granth Sahib Ji. There was no occasion for the senior police officials to reach and lead the police contingent at midnight on 16.10.2021 in a very clandestine manner. Petitioner has also pleaded that the Gurudwara is situated in Patti Assembly Constituency which shares international border with Pakistan. There is a potential national security threat and implications. The Gurudwara is about 20 Kms from the International Border. The Union of India has already extended the jurisdiction of Border Security Force upto the distance of 50 kms from the border range. The area in question falls under the jurisdiction of Border Security Force. With this background, petitioner has prayed that respondent No.1 be directed to deploy para military forces such as Border Security Force so as to flush out all the criminals from the Gurudwara in order to restore peace and tranquility in the area.

[11]. Petitioner-Narbir Singh has alleged that he has not approached the State Authorities owing to the collusion and conspiracy between the armed people and the Police while taking over the Gurudwara in the given manner which indicates nefarious evil conspiracy between them. As on date there are at least 20 persons duly armed with illegal weapons in the Gurudwara premises, therefore, it would be just and appropriate to direct the Central Bureau of Investigation to conduct a probe into the matter so as to unearth the nefarious design of the deadly criminals and law enforcement agency in taking possession of the Gurudwara in question. Petitioner has also prayed for protection of lives and liberties of the detainees detained in the Gurudwara. The reference of which has already been given in preceding part of the order. In support of his submissions, learned counsel placed reliance upon **Ramesh Kumari vs. State NCT of Delhi & Ors., 2006(2) R.C.R. (Criminal) 197; Rashmi Behl vs. State of Uttar Pradesh and others, 2015(2) R.C.R. (Criminal) 45; R.S. Sodhi vs. State of U.P. and others, 1994 AIR (Supreme Court) 38; Rubabbudin Sheikh vs. State of Gujarat & Ors., 2010(1) R.C.R. (Criminal) 738; Mohammed Anis vs. Union of India, 1994 SCC (Crl.) 251; Lalita Kumari vs. Govt. of U.P. and others, 2013(4) R.C.R. (Criminal) 979; Disha vs. State of Gujarat and others,**

2011(3) R.C.R. (Criminal) 694 and Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and ors, 2020(3) R.C.R. (Civil) 256.

[12]. Learned State counsel appearing on behalf of respondents No.2 to 4 submitted as under:-

(i). That on 16.10.2021, a group of 15-20 people were seen gathering with weapons near the bus stand at about 1.30 A.M. by the PCR which was on patrolling duty. The SHO, Police Station City Patti was on leave, the PCR informed the Deputy Superintendent of Police, Sub-Division Patti. Local Police was already aware of the dispute between two parties. The said persons were then seen entering the Gurudwara premises at 2.00 A.M. at night with weapons. Thereafter DSP, Sub-Division Patti made contact on mobile with the SSP, District Tarn Taran and informed about the law and order situation arising at the Gurudwara in question. Under the orders of the SSP, District Tarn Taran, the police party led by DSP, Sub-Division, Patti, DSP, Sub-Division, Bhikhiwind, DSP, Sub-Division, Khadur Sahib Camp at Gowindwal Sahib, SHO, Police Station Bhikhiwind, SHO, Police Station Valtaha, SHO, Police Station Harike, SHO, Police Station Kacha Pacca,

SHO, Police Station Chola Sahib, SHO, Police Station Sadar Tarn Taran were sent to the Gurudwara to control the situation and to take preventive steps. The police party then took preventive steps to stop happening of any untoward incident. A kalandra under Sections 107/151-150 Cr.P.C. was issued against Gurjant Singh, Baba Prem Singh, Baba Sewa Singh, Sakatar Singh, Bata Satnam Singh and the second party of the petitioner Narbir Singh, Ranjodh Singh, Lovepreet Singh.

(ii). A complaint was received in the Police Station City Patti from Gurjant Singh stating that they along with the disciple of Baba Avtar Singh had come to offer prayers at the Gurudwara and were doing sewa, when the second party comprising of Narbir Singh (petitioner), Ranjodh Singh, Lovepreet Singh and 3-4 other unknown persons duly armed with weapons came there and stopped them from sewa. Narbir Singh took out his pistol and fired at them. They narrowly saved themselves by running towards the other side. Gurjant Singh also stated that the petitioner and his associates were threatening to kill them. The Police went to Gurudwara and found Gurjant Singh, Baba Prem Singh,

Baba Sewa Singh, Sakatar Singh, Baba Satnam Singh and the second party namely Narbir Singh, Ranjodh Singh, Lovepreet Singh present there. The police party verified the complaint filed by Gurjant Singh and upon this Narbir Singh got angry and started abusing the members of the first party. Both the parties were engaged in a fight with each other. The Police thereafter arrested Narbir Singh (petitioner), Sewa Singh and Sakatar Singh under Section 107/151 Cr.P.C. and a pistol was recovered from Narbir Singh upon his search. Many people gathered there. No cartridges were recovered from the spot. It could not be verified whether the petitioner had fired the shot. Taking benefit of the crowd, Baba Prem Singh, Satnam Singh, Ranjodh Singh and Lovepreet Singh were successful in leaving the place.

(iii). Thereafter wife and children of Narbir Singh (petitioner) and his other supporters namely Ranjodh Siongh and Lovepreet Singh locked themselves in the residential premises of the Gurudwara. On 17.10.2021 at 6.00 P.M., the police party along with Duty Magistrate reached the Gurudwara and informed the aforesaid persons that there is no threat to them and

they can come out of the premises of the Gurudwara to do their business as usual. They shall be protected by the Police. However, the said persons refused to come out of the premises by saying that till Baba Gurbachan Singh asks them, they will not come out of the room. Rapat No.24 dated 17.10.2021 was recorded. On 19.10.2021, the police party along with Duty Magistrate again visited the Gurudwara and assured those persons, who had locked themselves in a room, of their safety and security. However, the aforesaid persons again refused. The video recording of the entire incident was done and Rapat No.46 was also recorded on 19.10.2021.

(iv). The SHO, P.S. City Patti wrote a letter to the Duty Magistrate on 20.10.2021 stating that the aforesaid persons have locked themselves in the residential premises of the Gurudwara and despite asking they have refused to come out of the locked part of the Gurudwara. On 28.10.2021, DDR No.27 was registered that the aforesaid persons were asked regarding any requirement and upon their asking milk, pulses and onion etc. were provided to them with further assurance to provide the same as and when

they ask. This was also videographed. On 30.10.2021 at the behest of the police party and in the presence of Duty Magistrate the aforesaid persons were checked by the Medical Team and no complaint of any medical ailment was found. The persons were not found in the need of any medical assistance. On 01.11.2021, the police party and DSP, Sub-Division Patti visited the Gurudwara premises and asked the aforesaid persons to release the woman and children and surrender the arms in their possession, otherwise legal action shall be taken against them. Those persons flatly refused to do so by saying that they will only obey the orders of Baba Gurbachan Singh. A report No.2077-5E was prepared on 01.11.2021 by the DSP and the same was sent to Sub-Divisional Magistrate, Patti for taking legal action. The Sub-Divisional Magistrate, Patti then vide letter dated 03.11.2021 forwarded the report to the Deputy Commissioner, Tarn Taran requesting for appropriate orders to be passed. The said letter was also sent to the DSP, Sub-Division, Patti, who then directed the SHO City Patti to provide security and maintain law and order situation in the Gurudwara premises. In the meanwhile on 02.11.2021, even an application for grant of search warrant of the Gurudwara premises was

moved before the Sub-Divisional Magistrate, Patti owing to the situation that armed persons were present in the Gurudwara. The application was however dismissed by the Sub-Divisional Magistrate, Patti on 02.11.2021. FIR No.189 dated 03.11.2021 was registered against Ranjodh Singh and Lovepreet Singh under Sections 344, 357 IPC, Sections 25/27 of the Arms Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, P.S. City Patti, District Tarn Taran.

[13]. In addition to the aforesaid, learned State counsel has denied the story of the petitioner-Narbir Singh alleging participation of the Police in connivance with the armed persons to take forcible possession of the Gurudwara. According to learned State counsel, the police was only present at the spot to prevent happening of any untoward incident and also to maintain law and order situation. The police party had reached about half an hour later than the persons duly armed, who were seen entering in the premises. The distance between Patti/Gurudwara Sahib and Harike is about 17 kms and the allegations viz-a-viz. presence of SHO, Police Station Harike is claimed to be unfounded.

[14]. Learned Senior counsel for respondent No.9 has also

vehemently denied the allegations of the petitioner-Narbir Singh. Learned Senior counsel submitted that the present petition is a clever ploy adopted by Baba Gurbachan Singh through the petitioner-Narbir Singh in order to usurp the property of Sampardae Dal Panth Baba Bidhi Chand Ji Dera which has many followers throughout India and the worldwide and having number of Gurudwaras and *Deras* under it. Respondent No.9- Prem Singh is son of Baba Avtar Singh. In order to deprive, respondent No.9 of his possession as Mukhi of the Dera and also in order to usurp the property of Dera, the present writ petition has been filed by proxy of Baba Gurbachan Singh in order to pressurize respondent No.9 and his family to give control of the properties of Sampardae Dal Panth Baba Bidhi Chand Ji Dera. Number of litigations between the parties are pending and the petitioner-Narbir Singh has not disclosed the same intentionally in the present writ petition. The petitioner has not come to this Court with clean hands and has concealed material information, therefore, on this score alone, this writ petition needs to be dismissed with exemplary cost(s).

[15]. Learned Senior counsel further highlighted that Sampardae Dal Panth Baba Bidhi Chand Ji is a religious institution and Baba Bidhi Chand Ji was the founder of Sampardae Dal Panth Baba Bidhi Chand Ji. Baba Bidhi Chand

Ji was an ardent follower of Sri Guru Hargobind Singh Ji. He has given his complete life to the service of Sri Guru Hargobind Singh Ji. After the demise of Baba Bidhi Chand Ji, Baba Lal Chand Ji was appointed as Mukhi. After the demise of Baba Lal Chand Ji, Baba Gurdial Singh Ji became head and this tradition continued when grandfather of respondent No.9 namely Baba Daya Singh Ji became the Mukhi of Sampardae Dal Panth Baba Bidhi Chand Ji. The father of respondent No.9 namely Baba Avtar Singh Ji became Mukhi of the sect after the demise of Baba Daya Singh Ji on 19.01.2014. Baba Avtar Singh Ji was made Mukhi and dastar-bandi was also performed. He was recognized as Mukhi of Sampardae Dal Panth Baba Bidhi Chand Ji by all the Five Takhts i.e. (1) Akal Takht Sahib; (2) Takht Shri Damdama Sahib; (3) Takht Shri Keshgarh Sahib; (4) Takht Shri Hazur Sahib and; (5) Takht Shri Patna Sahib. Even the Shiromani Gurdwara Parbandhak Committee (SGPC) has also recognized Baba Avtar Singh as the Mukhi of Sampardae Dal Panth Baba Bidhi Chand Ji.

[16]. Learned Senior counsel further submitted that all the properties of the Sect are in the name of Sampardae Dal Panth Baba Bidhi Chand Ji and are not the personal property of any Mukhi in any manner. Baba Gurbachan Singh is the brother of Baba Avtar Singh Ji. He was adamant for becoming Dera Mukhi

instead of the Baba Avtar Singh Ji. After demise of Baba Daya Singh Ji, Baba Gurbachan Singh had created a forged Will of Baba Daya Singh Ji regarding the land and properties of Sampardae Dal Panth Baba Bidhi Chand Ji. Civil Suits are pending in civil Court at Patti. Baba Avtar Singh filed civil suit for declaration wherein the validity of Will dated 25.06.2013 allegedly executed by late Baba Daya Singh was challenged on the ground of fraud, fabrication and forgery. No Will can be executed by the Mukhi regarding land and properties of Sampardae Dal Panth Baba Bidhi Chand Ji. The suit for declaration was also filed by Baba Gurbachan Singh in respect of 307 Kanals 1½ Marlas of land situated in village Sur Singh on the basis of Will dated 25.06.2013. The trial Court vide order dated 21.07.2020 ordered the parties to maintain status quo and alienation of property was stayed. Baba Gurbachan Singh in order to claim illegal control of the Gurudwara property had created a Trust under the name Sampardae Baba Bidhi Chand Welfare Trust vide trust deed dated 02.12.2019. Learned Senior counsel submitted that it is relevant to state that the petitioner-Narbir Singh was made Trustee of the Trust and General Secretary.

[17]. Learned Senior counsel further submitted that another civil suit was filed by Baba Gurbachan Singh along with

Gurudwara Baba Bidhi Chand Ji having its registered Trust Deed against father of respondent No.(Avtar Singh) for declaration in respect of 21 Kanals 4 Marlas of the land. In the aforesaid suit, the plaintiffs very cleverly did not seek relief with regard to the Gurudwara viz. Declaration or relief of possession qua Gurudwara in question, but effort was made to take control of Gurudwara on the strength of alleged Trust Deed. The plaintiffs could not get any stay order from the trial Court. Injunction was refused vide order dated 15.02.2021. Baba Gurbachan Singh and his disciples could not get any favourable interim order from the civil Court for taking control and possession of Gurudwara which is situated within the Lal Dora. Baba Gurbachan Singh created pressure upon the SDM Patti for initiating proceedings under Section 145 Cr.P.C., during pendency of the civil litigation. Baba Gurbachan Singh was successful in initiating proceedings under Sections 145 & 146 Cr.P.C. with regard to other properties in village Chhina Bidhi Chand and order dated 23.04.2021 was passed by the SDM Tarn Taran and proceedings under Sections 145 and 146 Cr.P.C. were initiated. The SHO, P.S. Sarai Amanat Khan was appointed as Receiver. Similarly in respect of land comprised in revenue estate Patti-2, a *Kalandra* dated 06.05.2021 was prepared by the SHO, Police Station City Patti on 18.06.2021. The SDM, Patti initiated the proceedings under Sections 145 &

146 Cr.P.C. and also appointed SHO, P.S. City Patti as the Receiver. Despite all these, Baba Gurbachan Singh and his disciples could not get control over the Gurudwara which was being managed by Baba Avtar Singh as Dera Mukhi.

[18]. Learned Senior counsel further submitted that the orders dated 23.04.2021 and 18.06.2021 were challenged before the High Court in CRM-M No.41616 of 2021 and CRM-M No.41647 of 2021. The operation of the aforesaid orders have already been stayed by the High Court vide order dated 12.10.2021 passed in the aforesaid cases.

[19]. Learned Senior counsel further submitted that father of respondent No.9 (Avtar Singh) was contesting the civil suits. Baba Gurbachan Singh was not satisfied. Baba Gurbachan Singh with his disciples namely Narbir Singh (petitioner in CWP No.21710 of 2021), Sukhchain Singh @ Soda and other disciples started threatening the father of respondent No.9 and his family members with dire consequences for taking control and possession of the Gurudwara. On 16.10.2021, respondent No.9 along with other disciples of Baba Avtar Singh were performing Sewa at Gurudwara Bhath Sahib, Patti, then the petitioner-Narbir Singh along with Ranjodh Singh, Lovepreet Singh and other disciples of Baba Gurbachan Singh illegally assembled to form a mob and forcefully trespassed the property

of Gurudwara Bhath Sahib at Patti. They attacked everyone present in the Gurudwara along with weapons. Respondent No.9 informed the Police regarding the forceful entry and attack by the petitioner side. The Police reached the Gurudwara and prevented happening of untoward incident. Formal DDR was lodged under Section 107/151 Cr.P.C. Proceedings were initiated against the petitioner and his followers. The claim of the petitioner that his wife and children were illegally detained by the *Sewadars* of Gurudwara Bhath Sahib during the event on 16.10.2021 is claimed to be totally wrong, rather the petitioner along with fellow members opened attack on the *Sewadars* of the Dera serving at Gurudwara Bhath Sahib, Patti at that time. Under the command of Baba Gurbachan Singh and the petitioner (Narbir Singh), they infiltrated into the Gurudwara along with wife and children of the petitioner so as to deliberately leave them in the Gurudwara premises to create some unfounded evidence. Petitioner-Narbir Singh has intentionally placed his wife and minor children in the premises of Gurudwara. They have not been detained in the said Gurudwara in any manner. Petitioner did not file any habeas corpus in this regard and also skipped this prayer in the prayer clause of his writ petition.

[20]. Having heard learned counsel for the parties, I find that

there is a hotly contested civil litigation between the parties before the civil Court. Both the parties are claiming management and control of the affairs of the Gurudwara. *Qua* the presence of the Police in Gurudwara premises, both the parties have their own versions. Even in the official statement, version of the petitioner-Narbir Singh has been negated. *Qua* the alleged illegal detention of wife and children of the petitioner-Narbir Singh, the respondents have taken specific stand with reference to the number of DDRs recorded that the wife and children and their few supporters are not interested in coming out of the Gurudwara premises. The Police has taken ample steps to prevent any untoward incident in the Gurudwara premises.

[21]. The factum of pending civil litigations between the parties has not been pleaded in the present petition. Be that as it may, this Court finds that in view of dispute *qua* the management and control of the Gurudwara and also the validity of Will allegedly executed by Baba Daya Singh on 25.06.2013, title arising out of the said Will and creation of Trust Deed, no observation can be made in this regard, lest it may prejudice the case of the parties during trial before the civil Court.

[22]. As on date, it appears that both the parties are claiming possession over the Gurudwara premises and have also staked

their claim of possession. I do not see any reason to consider this prayer in the writ jurisdiction, particularly when different civil suits are pending. The Police has also lodged number of Rapats in this case at different stages. The Police has also taken preventive steps and prepared Kalandara under Sections 107/151 Cr.P.C. An FIR No.189 dated 03.11.2021 was registered against Ranjodh Singh and Lovepreet Singh under Sections 344, 357 IPC, Sections 25/27 of the Arms Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, P.S. City Patti, District Tarn Taran. Therefore, at this stage prayer of the petitioner-Narbir Singh cannot be entertained, however respondent No.4 i.e. Senior Superintendent of Police, Tarn Taran is directed to ensure that proper law and order situation is maintained in the premises of the Gurudwara and no party shall be allowed to take law into their own hands. The recent development viz-a-viz., if there is any subsequent development after reserving this order on 22.11.2021, the same shall be dealt strongly in accordance with law.

[23]. The precedents cited by learned counsel for the petitioner-Narbir Singh in respect of lodging of FIR and entrustment of the case to the CBI, have no dispute on proposition of law, but in view of facts and circumstances of this

case, there is no need to invoke extra-ordinary writ jurisdiction for ordering any police action or investigation by the CBI as the *lis* primarily revolves around the question of title, control and affairs of the Gurudwara and the same is to be decided by the civil Court in pending civil suits/litigations.

[24]. At this stage, finding no necessity to invoke extra-ordinary writ jurisdiction in the present case i.e. CWP No.21710 of 2021, I deem it appropriate to dispose of the writ petition by directing respondent No.4 to ensure that the law and order situation is properly maintained by leaving the parties to avail their legal remedies in accordance with law.

[25]. The prayer of the petitioner-Prem Singh in CWP No.22780 of 2021 shall be looked into by respondent No.4 i.e. Senior Superintendent of Police, Tarn Taran, District Tarn Taran in view of threat perception pleaded by the petitioner. Respondent No.4 shall evaluate the threat perception in accordance with law and thereafter shall act as per the policy for passing appropriate order in view of the prayer made by the petitioner. This writ petition is also disposed of with the aforesaid direction.

(RAJ MOHAN SINGH)
JUDGE

December 13, 2021

Atik

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No