

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

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CRM-M-9768-2022(O&M)
Date of Decision : **August 04, 2022**

BABA GURBACHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.....Respondents

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CRM-M-32091-2022

GURBACHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.P.S.Deol, Sr. Advocate assisted by
Mr. H.S.Oberoi, Advocate
for the petitioner in CRM-M-9768-2022.

Mr. Sunny Saggar, Advocate
for the petitioner in CRM-M-30291-2022.

Mr. J.P.Ratra, DAG, Punjab.

Mr. Vikas Gupta, Advocate
for the complainant in CRM-M-30291-2022.

Mr. Kanwal Goyal, Advocate
for the complainant in CRM-M-9768-2022.

JASGURPREET SINGH PURI. J. (Oral)

Both these petitions for anticipatory bail are being taken up together with the consent of learned counsels for the parties since the same arise from the same FIR.

As per the allegations contained in the FIR, there is a dispute

of one Sampardai Baba Bidhi Chand Welfare Trust consisting of 164 kanals of land in District Amritsar. As per the allegations, a group of persons headed by Baba Gurbachan Singh had attacked another group headed by his own brother, namely, Avtar Singh with the result that five persons suffered injuries and there are total 10 accused in the present case. The facts and role of both the petitioners who have filed different petitions is as follows:

1. Baba Gurbachan Singh in CRM-M-9768-2022.

As per the allegations the petitioner alongwith other co-accused had attacked on another group headed by his own brother, namely, Avtar Singh which caused injuries to five persons. However, the learned Sr. Counsel has stated that the three persons belonging to Baba Gurbachan Singh also suffered injuries but the police did not deliberately register FIR against them. He submitted that the petitioner was not present at the spot and rather at that point of time he was in the Gurudwara and he has been falsely implicated in the present case. He further submitted that during the investigation even the police had concluded that the petitioner was not present at the spot nor he caused any injuries to anybody since at that point of time he was present in the Gurudwara which is far away. He submitted that thereafter the petitioner was exonerated by the police but after that his name was again nominated under Section 120-B IPC only and, therefore, qua the petitioner the offence is only under Section 120-B IPC. He further submitted that even otherwise also this Court had granted interim bail on 25.3.2022 and in pursuance thereof he has already joined the investigation and has fully

co-operated with the investigation process and has, therefore, prayed that the aforesaid order may be confirmed.

The learned State counsel on instructions from ASI Gurmej Singh has stated that it is correct that in pursuance of the order passed by this Court on 25.3.2022 whereby interim bail was granted to the petitioner, he has joined the investigation and he has also cooperated with the investigation process and he has specific instruction to state that the petitioner is not required for custodial investigation. He also submitted that it is also correct that earlier the petitioner was exonerated and thereafter his name was nominated on the basis of Section 120-B IPC.

In view of the aforesaid specific stand taken by the learned State counsel, the present petition is allowed and order dated 25.3.2022 is, hereby, made absolute qua the petitioner-Baba Gurbachan Singh.

2. Gurbachan Singh in CRM-M-30291-2022.

This petition has been filed by one another petitioner whose name is Gurbachan Singh and the allegations against him are that he was part of an unlawful assembly.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case because he was not even present at the spot and while presenting the challan it has come out that a SIT was formed to investigate the case and also to consider one video which had gone viral and in the video about 17 persons were identified by three persons and all the 17 persons have been named in the report of the SIT and in that list of 17 persons, the petitioner-Gurbachan Singh was not present and, therefore, the petitioner may be considered for

the grant of anticipatory bail since he has been falsely implicated.

The learned State counsel has stated that it is correct that during the investigation conducted by the SIT a list of 17 persons was mentioned who were identified in the video by 3 persons and the petitioner-Gurbachan Singh was not seen in the video.

In view of the aforesaid facts and circumstances of the case, the petition qua petitioner-Gurbachan Singh is allowed. He is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

August 04, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No