

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-10394-2022**

DATE OF DECISION: MAY 19, 2022

VISHVAJEET SINGH @ VISHNU ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

2. **CRM-M-13373-2022**

ANGREJ SINGH ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

3. **CRM-M-13646-2022**

RANJOT SINGH @ JODHA ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PRATAP SINGH, ADVOCATE FOR THE PETITIONER
IN CRM-M-10394-2022 & CRM-M-13373-2022.

MR. AMIT DHAWAN, ADVOCATE FOR THE PETITIONER
IN CRM-M-13646-2022.

MR. ANMOL MALIK, DAG, HARYANA.

MR. MAYUR KARKRA, ADVOCATE FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.510 dated 8.9.2021, under Section 148, 149, 302, 307, 323, 324 IPC and Section 25 Arms Act (Section 27 Arms Act added later on), Police Station Kaithal City, District Kaithal, who are in custody since their arrest on 16.11.2021.

The allegations contained in the FIR as noticed by the Addl.

Sessions Judge, Kaithal, in the order dated 11.2.2022 , are as under:-

“The present case FIR was registered at the behest of complainant Ajmer Singh son of Tahal Singh resident of village Dudana District Jind against sixteen accused persons namely Sahab Singh son of Puran Singh, Kamal Kushal, Gurjit Singh, Sahab Singh son of Gurjit Singh, Kulbir Singh alias Bittu, Multan Singh, Jaspal Singh, Angrej Singh, Lavpreet Singh, Jasbir Singh, Jodha Singh, Vishu Hajra (petitioner), Khushwinder Singh, Kashmir Singh, Palwinder Singh & Bakha Singh alleging commission of offences punishable under sections 148, 302, 307, 323, 324 read with section 149 IPC & section 25 Arms Act. Complainant used to visit Gurudwara Neem Sahib for rendering services. Baba Gopal Singh was the ‘Jathedar’ in Gurudwara Neem Sahib, who had died three months ago. Thereafter, Baba Mahender Singh (Pehowa Wala) was bestowed with the responsibilities concerning the Gurudwara by the area ‘Sangat’. Kulbir Singh alias Bittu resident of Sila Khera had been the driver of late Baba Gopal Singh since forty years and intended to take the command of Gurudwara. He alongwith Sahab Singh of Dera Gadla and Gurjit Singh conspired to take over the command of Gurudwara. It is alleged that on 08.09.2021 Kar-seva (voluntary labour) of putting lintel in Gurudwara was going on. All of a sudden, about 15-20 male persons armed with weapons entered into the Gurudwara in car No.HR08V-6360 (Bolero), car No.HR01AL-3671 (RITZ) and one other car No.HR08X-7667 (EON). However, on seeing the ‘Sangat’, they went into the building towards the back-side & adjacent to the Gurudwara. All the persons alighted from the cars and went into the room of Gurudwara alongwith their weapons. It is alleged that

Sahab Singh son of Puran Singh was armed with revolver; Kamal Kushal was armed with revolver; Gurjit Singh was armed with rifle .315 bore; Sahab Singh son of Gurjit Singh was armed with revolver; Kulbir Singh was armed with talvar (sword); Multan Singh was armed with gandasi; Jaspal Singh was armed with gandasi; Angrej Singh was armed with talvar (sword); Lavpreet Singh was armed with country-made pistol; Jasbir Singh was armed with lathi; Jodha Singh driver of car No.46D4529 was armed with gandas; Vishu Hajra (petitioner) was armed with pistol; Khushwinder Singh was armed with pistol; Kashmir Singh was armed with country-made pistol and Palwinder Singh was armed with country-made pistol. The 'Sangat' present there got scared by the said weapons. Some of the respectable persons out of the the 'Sangat' and others present there tried to pacify them but the accused started firing shots from the weapons indiscriminately. It is alleged that Sahab Singh son of Puran Singh fired a shot from his revolver aiming at the chest of Mandeep Singh with the intention to kill him and it hit Mandeep Singh on the arm. Kamal Kushal fired shot from his revolver at the complainant that hit him on the arm. Gurjit Singh fired a shot from his rifle .315 bore on the feet of Joga Singh. Sahab Singh son of Gurjit Singh fired a shot from his revolver at Gurmej. Kulbir Singh alias Bittu gave sword blow on the head of Kashmir Singh. Whereas, Multan Singh was armed with gandasi and Bakha Singh was armed with pistol who fired shots at the 'Sangat' due to which many persons got injured. Jaspal Singh and Angrej Singh inflicted several sword blows upon the 'Sangat' and rest all the accused fired shots from their weapons indiscriminately upon the 'Sangat' that hit the latter and also the vehicles parked in the premises. An

alarm was raised by the 'Sangat' and those present namely Gurpal Singh, Kabal Singh, Jaswinder Singh, Gurmej Singh, Param Singh, Gurdev Singh, Jitender Singh, Nirvair Singh, Pritam Singh, Gulab Singh intervened ; police reached the spot; some of the assailants were arrested alongwith their weapons while some of them fled away."

Learned counsel for the petitioners have argued that as per prosecution case, accused Gurjit Singh alongwith his accomplices proceeded to take over the management of Gurdwara Neem Sahib by using force and resorted to violence which resulted in the death of Joga Singh and injuries to Ajmer Singh, Mandeep, Kashmir Singh and Satnam Singh. According to learned counsel, gunshot injuries suffered by Joga Singh (deceased) were attributed to co-accused Gurjit Singh and though as per the allegations in the FIR, petitioners Vishvajeet Singh @ Vishnu and Angrej were armed with countrymade pistol and sword respectively, but no specific allegation regarding firing has been levelled against the said accused and similarly the accusation against accused Angrej Singh relates to the offence punishable under Section 325 IPC. He submits that the petitioners were not involved in the crime and as per prosecution itself when the occurrence took place, various devotees were also present in the Gurudwara. He submits that the investigation in this case was also inconsistent as the initial investigation was found to be defective, therefore, a Special Investigation Team was constituted to investigate the case whereupon the petitioner has been implicated. He prays for bail.

Mr. Amit Dhawan, Advocate for accused Ranjot Singh @ Jodha

has argued that though the petitioner is stated to be armed with gandasa, but

no specific injury is caused by him to any of the persons, much less, the injured witnesses. He also prays for bail.

On the other hand, learned State counsel assisted by SI Vijay Kumar while opposing the prayer has not disputed this fact that the deceased succumbed to the gunshot injury caused by co-accused Gurjit Singh and the injured witnesses have not levelled any specific accusation against the petitioners Ranjot Singh and Vishvajeet Singh, except one of the witnesses, namely, Satnam Singh, who stated that co-accused Angrej Singh gave sword blow on his left foot attracting offence punishable under Section 325 IPC. He further submits that supplementary challan has been filed on 9.12.2021.

Considering the above background, as well as the custody of the petitioners, and the fact challan has been presented, however, the charges have been not been framed, therefore, further detention of the petitioners behind the bars may not be useful for any purpose, as trial would take some time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

May 19, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No