

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

(I) **CRM-M-27256-2022 (O&M)**
Date of Decision:- 08.8.2022

Daya Singh ... Petitioner

Versus

State of Haryana ... Respondent

(II) **CRM-M-28462-2022 (O&M)**

Bhim Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Deepak Singh Saini, Advocate, for the petitioner(s).

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Vikrant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Daya Singh and Bhim Singh, seek grant of anticipatory bail in a case registered vide FIR No. 64, dated 01.02.2022, Police Station Pinjore, District Panchkula, under Sections 120-B, 148, 149, 188, 295-A, 307, 353, 323, 332, 447, 511, 325 IPC, Sections 20, 26, 61, 85 of NDPS Act and Sections 25, 54, 59 of Arms Act.

2. The FIR was lodged at the instance of Dharampal wherein it is alleged that on 01.02.2022 ASI Murari Lal along with other police officials were present on law and order duty on Nankapur turn. Information was received to the effect that many Nihang Sikhs had attacked the Chowki Incharge of Maddawala. ASI Jile Singh and many other persons and Dera Baba Rafria of Village Nanakpur, Khuwala were still present. When the police party reached the said place, Dharampal S/o Chenu Ram made a complaint alleging that he was the Sarpanch of the Village Nanakpur. On 01.02.2022 at about 09.15 AM, Ram Krishan S/o Mangat Ram informed him over his mobile phone that near the well of Shiv Mandir near Baba Rafria Dhune of VillageNankapur Khuwala, 5-6 Sikhs Nihangs had uprooted the religious flag installed there and set the same on fire. The Chowki Incharge Murari Lal, Jaswinder Singh had been accordingly informed and in the meanwhile Desh Raj, Ram Krishan, Bhag Singh, Dinesh Kumar etc. reached on the spot and inquired from the Nihang Sikhs as to why they had set the religious flag on fire. It was informed that a civil suit is pending since 2009 titled Guru Har Ram Prachar Committee Vs. Dhyan Chand which has already been dismissed. Appeal filed before the learned Additional District Judge, Panchkula is pending and no stay has been granted. When the police officials tried to counsel the Nihang Sikhs, the said Nihang Sikhs alongwith 5-6 accomplices standing there attacked upon the villagers. When Incharge Murari Lal tried to stop them, Mandeep armed with sword attacked on the chowki Incharge and

gave a sword blow on his head. The remaining Nihang Sikhs also opened attack upon other villagers with their respective swords with an intention to kill them. Dinesh son of Ram Partap, Prabhat @ Pashu son of Gurcharan Singh received serious injuries. Other villagers also received injuries. When inquired, the name of the said Nihang Sikhs were revealed as Simranjit, Naveen, Dharminder, Jathedar Surinder. Earlier also, a similar attempt had been made. Facebook and social medial posts were also published to provoke religious emotions. The present attack was also done in conspiracy with Bhim Singh and Daya Singh. These persons also made insulting remarks for the Hindu Deities. These persons attacked Chowki Incharge Murari Lal, Dinesh Kumar and Prabhat @ Pashu and tried to take the possession of the land.

3. Learned counsel for the petitioners has submitted that they were never present at the spot and are being roped in the present case with the aid of Section 120-B IPC with the allegations that they were in conspiracy with the remaining accused.
4. Opposing the petition, learned State counsel has not disputed the fact that none of the two petitioners was present at the spot and that it is the remaining co-accused who are alleged to have caused injuries. Learned State counsel has however, submitted that the petitioners were otherwise part and parcel of the conspiracy and in these circumstances they are equally liable in respect of the injuries caused to the injured including police officers. Learned State counsel has

however, informed that the petitioners have joined investigation and are not required for custodial interrogation.

- 5. I have considered rival submissions addressed before this Court.
- 6. Having regard to the facts and circumstances of the case particularly the fact that none of the petitioners is stated to be present at the spot or is alleged to have inflicted any injury and while also noticing that the petitioners are stated to have joined investigation and are not required for any custodial interrogation, the petitions, as such, are accepted and the interim directions issued by this Court vide order dated 23.6.2022 and 07.07.2022 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
- 7. A photocopy of this order be placed on the file of each connected case.

08.8.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No