

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

**CRM-M-34150-2021
DECIDED ON: 18.08.2022**

JAGWINDER SINGH @ JAGGA @ HARI SINGHPETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Paul, Advocate for
Mr. T.P. Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

This is a petition seeking regular bail in FIR No.44, dated 05.06.2017, under Sections 121, 121-A of the IPC, Sections 10, 13 of Unlawful Activities (Prevention) Act, 1967, Section 25 of the Arms Act, 1959 (Section 120-B IPC and Sections 15, 16, 17, 18 of the Unlawful Activities (Prevention) Act, 1967 added later on), registered at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that the petitioner is not named in the FIR but has been nominated in this case on the basis of disclosure statement of co-accused Satnam Singh. It is also submitted that no recovery has been effected from the petitioner.

Learned counsel for the petitioner further submits that the co-accused of the petitioner, namely Balwant Singh and Satnam Singh @ Satta

have been granted bail vide orders dated 06.07.2018 (Annexure P-3) and 26.07.2018 (Annexure P-4) passed in CRM-M-10616-2018 and CRM-M-30425-2018, respectively.

Reply by way of an affidavit dated 11.10.2021, of Hans Raj, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar has been filed, wherein paras 3 and 4 read as under:-

“ 3. That in due to compliance to the aforementioned order dated 27.08.2021, the brief facts of this case are such that a case entailing FIR No. 44 dated 05.06.2017 u/s 121, and 121-A of IPC Sections 10 and 13 of Unlawful Activities, (Prevention) Act, 1967 read alongwith Section 25 of Arms Act, was lodged in Police Station Mukandpur, District S.B.S. Nagar against an accused namely Gurjeet Singh alias Gaggi alias Ghaint son of Salvinder Singh resident of Village Badala Granthia, District Gurdaspur, Punjab by presiding officer of the police station namely Inspector Surinder Chand based on confidential and credible information received by an informer and after having been verified and ascertained from various other sources wherein the above mentioned accused was found to be involved in terrorist related activities and has links with terrorist declared outfit namely International Sikh Youth Federation which is banned outfit and was actively conspiring against the State in order to cause unwanted

communal riots to hamper the peace and prosperity of the state. On the basis of the information having found to be credible, the above-mentioned FIR was registered under the relevant sections as mentioned above and the same was forwarded to the officer of the rank of Deputy Superintendent of Police namely Sh. Harwinder Singh, PPS (hereinafter referred to as 'the DSP'), being the competent officer to conduct the investigation as per the due procedure and accordingly seized the matter into his hands and conducted the ongoing investigation.

4. That on 07.06.2017, the aforementioned accused namely Gurjeet Singh alias Gaggu alongwith Gurmukh Singh son of Sukhwinder Singh resident of Village Talwandi Nehar, District Amritsar, Punjab were arrested from the railway station near Village Mudali and a 9 MM country made Pistol alongwith 6 rounds of live Cartridges were recovered from them and were kept in a separate parcel by the DSP under the seal having initials 'H.S.'". Subsequently on 08.06.2017, the above-mentioned accused were produced in the Court of Sh. Aman Sharma, Judicial Magistrate 1st Class, S.B.S. Nagar, Punjab and accordingly police remand was obtained till 17.06.2017."

Learned counsel for the State on instructions from SI Surinder

Pal, could not dispute the factual position.

Considering the aforesaid discussion and also keeping in view the fact that the investigation in the present case is complete; no recovery is to be made from the petitioner; the co-accused of the petitioner have been granted bail by this Court; the petitioner is in custody since 18.02.2021 and the conclusion of the trial is likely to take time, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

18.08.2022

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>