

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D No.144 of 2022 (O&M)
Date of decision: 24.04.2023

Gurwinder Singh

...Appellant

Vs.

State of Punjab and another

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Vaibhav Narang, Advocate,
for the appellant.

Mr. Alankar Narula, AAG, Punjab.

Mr. S.S. Sandhu, Special Prosecutor,
for respondent No.2-NIA.

Ritu Bahri, J. (oral)

The present appeal has been filed against the order dated 16.12.2021 passed by the Special Judge, NIA Court, SAS Nagar, Mohali, whereby application under Section 439 Cr.P.C., filed by the accused-appellant seeking regular bail in NIA case RC.19/2020/NIA/DLI, registered under Section 124A, 153A, 153B, 120-B IPC, Sections 17/18/19 of Unlawful Activities (Prevention) Act, 1967 (Section 25/54 of Arms Act, 1959 added later on), at Police Station, NIA, New Delhi, has been dismissed.

A perusal of the impugned order shows that name of the present appellant had cropped up in a disclosure statement made by co-accused Bikramjit Singh @ Vicky on 29.10.2018, while he was in police custody.

While dismissing the application, the Special Judge, NIA, Punjab, SAS

received by Sh. Varinder Kumar, Inspector, CIA, alleging that two persons were hanging cloth banners, on which “Khalistan Jindabad” and “Khalistan Referendum 2020” was written, at Pillars Kot Mit Singh Flyover, Amritsar. The police team apprehended Sukhraj Singh alias Raju and Malkeet Singh @ Meetu on the spot, while they were hanging the aforesaid cloth and FIR No.152 dated 19.10.2018 was registered at Police Station Sultanwind, Amritsar (City) under Sections 124-A, 153-A, 153-B and 120-B IPC against them. During the course of investigation, accused Gurwinder Singh, Harpreet Singh @ Happy and Jatinder Singh @ Goldy were arrested for batching conspiracy, damaging business installations, threatening public through anti India posters and banners etc. It had also come on record, during investigation, that these accused also made an attempt to recruit other Sikh youths to assist them in their agenda, so as to achieve their goal of secession of Punjab from the Union of India, undermining the unity, sovereignty and territorial integrity of India. On 05.04.2020, the case was transferred to the National Investigation Agency (NIA) and after completion of investigation, charge-sheets have already been filed in the Court. During investigation, it was found that these accused were members of terrorist gang formed by one Nihal Singh @ Fateh Singh, on the direction of accused Gurpatwant Singh Pannu (US based Chief proponent of ‘Sikhs for Justice’, an unlawful association declared by Government of India) for propagating secessionist campaign “Khalistan Referendum 2020” or “Punjab Referendum 2020” for carrying out unlawful activities/terrorist acts. The accused were charge-sheeted by the police under Sections 117, 122, 124-A, 153-A, 153-B, 120-B IPC, Sections 17, 18 & 19 of UA (P) Act and Section 25 of Arms Act on 16.04.2019. Thereafter, supplementary challan has also

been filed by the NIA. With these observations, the bail application was dismissed.

Heard, learned counsel for the parties.

A short reply dated 20.04.2022 has been filed on behalf of the NIA. As per this reply, pursuant to the investigation carried out by NIA, a supplementary charge sheet was filed on 18.12.2020, which is placed on record as Annexure R-1. The further investigation carried out by NIA also validated the charges leveled against the accused persons in charge-sheet dated 16.04.2019 and first supplementary charge-sheet dated 10.07.2019 and second supplementary charge-sheet dated 26.08.2019 filed by the Punjab Police. It is stated that appellant-Gurwinder Singh, on the direction of Bikramjit Singh @ Vicky and Manjit Singh @ Manga, had visited Jammu & Kashmir in the year 2018, to procure weapons in order to carry out terror activities.

On 31.05.2022, the latest status report in a sealed cover was produced before this Court, which included the sensitive information and evidence, which the officials of respondent No.2 had received in the month of May, 2022. On that day, the case was adjourned to 18.10.2022, to enable the prosecution to examine the independent witnesses. On 18.10.2022, learned counsel for the NIA had informed that out of total 106 prosecution witnesses, 12 were protected witnesses and 53 were independent witnesses, out of which, 09 had been examined. Thereafter, on 28.02.2023, again a status report in the sealed cover had been produced by the NIA. After perusal of the status report, the same was returned to learned counsel for the NIA.

In the present case, till date, none of the protected witnesses has

been committed by the accused-appellant, no ground is made out to release him on regular bail.

Resultantly, the present appeal is dismissed.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

24.04.2023
ajp

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No