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CRM-M-8508-2023	Neutral Citation No. 2023:PHHC:081342
CRM-M-8573-2023	Neutral Citation No. 2023:PHHC:081344
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212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9807-2023
Date of Decision: June 02, 2023

Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh	...Petitioner
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Versus

State of Punjab	...Respondent
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2.	CRM-M-8508-2023
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Satbir Singh	...Petitioner
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Versus

State of Punjab	...Respondent
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3.	CRM-M-8573-2023
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Tarsem Singh alias Dhillon	...Petitioner
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Versus

State of Punjab	...Respondent
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4.	CRM-M-9079-2023
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Gagandeep Singh	...Petitioner
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Versus

State of Punjab	...Respondent
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CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. G.P.S. Ghuman, G.S. Ghuman, Ms. Sandhya Gaur,
Mr. Eshan Garg, Mr. S.K. Kanojia
and Mr. Gurmeet Singh Advocates for the petitioners.

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Mr. P.S. Ahluwalia and Mr. Tanheer Singh Bariana,
Advocates for the complainant

Mr. I.P.S. Sabharwal, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

This order shall dispose of four petitions titled above, as all of them have arisen from the same FIR No.121 dated 08.11.2022, registered at Police Station Mehtiana, District Hoshiarpur, under Sections 458, 397, 447, 342, 427, 295-A & 120-B of IPC, besides Sections 25 and 27 of the Arms Act, 1959 (Section 411 IPC added later on).

2. Petitioners Satbir Singh (CRM-M-8508-2023), Tarsem Singh @ Dhillon (CRM-M-8573-2023) and Saranjit Singh @ Sharanjit Singh @ Sharanjeet Singh (CRM-M-9807-2023) have prayed for grant of regular bail under Section 439 Cr.P.C.; whereas, petitioner Gagandeep Singh (CRM-M-9079-2023) has prayed for grant of anticipatory bail under Section 438 Cr.P.C.

Allegations in the FIR:

3. FIR was lodged on the statement of Harwinder Singh @ Honey S/o Shri Manjit Singh, as per which, he was a private Sewadar of Amarjit Ji, current head of Gurdwara (Dera) Santgarh Harkhowal, District Hoshiarpur, place which is known by the name of Baba Jawala Singh Harkhowal Wale. Earlier, he had worked as private Sewadar of Sant Baba Manjit Singh Ji for about 4 years. It was alleged that on the night intervening 7/8.11.2022 at about 2 am, he was sleeping in the room adjoining to the room of Baba Ji, when he heard commotion outside and ramming of doors. He peeped through the grill door that 40-50 persons, some wearing uniform of *Nihangs*

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and others wearing *dumala*, armed with different kind of weapons like dandas, swords and other lethal weapons were present. 5-7 of them broke the door of main cabin of Baba Ji and then started breaking the door of residential room of Baba Sant Amarjit Singh Ji. As he (complainant Harwinder Singh) asked about their identity, they raised lalkara not to leave anybody. They were asking him to disclose the whereabouts of Baba Amarjit Ji. As he came outside by opening the door, one of the intruders aimed pistol at him and others tied his hands from back. They asked him as to where keys, important documents and account books of the Sant Ji were kept. They detained him, broke the door of room of Baba Ji, forcibly took him inside, but could not find Baba Ji there. All of them then broke all almirahs in the room of Baba Ji and started looking for account books and other expensive articles. They forcibly snatched 1-1/2 Kg. of gold from almirah, which the devotees had gifted to Baba Jawala Ji, Rs.20 thousand in different Indian currency notes, foreign currency donated by devotees, 12-15 expensive watches, his laptop, one Apple watch and two Apple mobile phones, besides 12-15 mobile phones of Sewadars. It was further disclosed by the complainant that the laptop, apple watch and two apple mobile phone were his private property. One of the intruders wearing *nihang* uniform made a call, telling the person on the other side that they had reached Gurdwara (Dera) Santgarh Harkhowal, that they have taken lot of expensive articles and tell Baba Bhagwan Singh Ji that they were trying to trace Baba Amarjit Ji and shall come back after completing the work and that they will call again in a short while and that he (*the person on other side of the call*) to come along with Sant Bhagwan Singh Ji to take control

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of the Dera. It was further stated by the complainant that as the intruders could not find Baba Amarjit Singh Ji, they started vandalizing other rooms of the Dera and office, took DVR from the office and keys of cars of Dera with them. Some of the cars were quite expensive. In the meantime, on seeing the followers of the Dera and the police approaching, all the intruders fled away from the spot in their vehicles. As they were fleeing away, some of the Dera followers identified some of them as Tarsem Singh @ Dhillon (petitioner in CRM-M-8573-2023) & Satbir Singh (petitioner in CRM-M-8508-2023). Complainant stated that he could identify other intruders, if paraded before him. He also disclosed the reason for grudge to the effect that after the death of Sant Baba Manjit Singh Ji on 17.01.2022, the followers/devotees and the Nirmal Panchyati Akhara Haridwar and Sant Samaj had appointed Sant Baba Amarjit Singh Ji as Head of Dera Santgarh Harkhowal, Hoshiarpur and Head Mahant of Dera. Baba Bhagwan Singh, Dera Head, Santgarh Kapurthala Road, Jalandhar was not happy with the appointment of Baba Amarjit Singh Ji as Head of Santgarh Dera Harkhowal and this incident had happened at the behest of Baba Bhagwan Singh along with Ishwar Singh S/o of Sewa Singh and Didar Singh S/o Sewa Singh, all of whom had hatched conspiracy to take forcible possession of the Dera. It was also alleged that the intruders had also disrupted the maryada (decorum) of continuous reciting of *mool-mantar* (Sikh religious teachings) for the last 80 years, hurting the religious sentiments of devotees. Prayer was made to take necessary action.

Investigation by the Police:

4. Police proceedings recorded below the FIR reveal that on

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getting information about the fight going on between the two parties at Dera Sant Jawala Singh, Village Harkhowal, police reached there and recorded the statement of Harwinder Singh, who was present there with a lot of devotees. Statement of Harwinder Singh was also verified by Surjit Singh S/o Ujagar Singh and attested by the ASI.

5. (i) Separate reply filed on behalf of respondent No.1-State in all the four cases reveal that a Special Investigating Team was constituted to investigate the matter.

(ii) On 15.11.2022, supplementary statement was made by the complainant, as per which Tarsem Singh @ Dhillon (petitioner in CRM-M-8573-2023) had come along with Gurmukh Singh, Paramjit Singh and Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh (petitioner in CRM-M-9807-2023) with weapons at Dera Santgarh Harkhowal and had tied his hands at the back and had kept asking him about the Sant Ji and his account books/ledgers. Gurmukh Singh, Paramjit Singh and Sharanjit Singh were accordingly nominated as accused vide DDR No.36 dated 15.11.2022 recorded in this regard.

(iii) Gurmukh was arrested on 16.11.2022. Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh was arrested on 30.11.2022 and as per the disclosure statement suffered by him, Tarsem Singh @ Dhillon and Judge had dropped him at Attowal on 03.11.2022 with direction to conduct *recce* inside the Gurdwara (Dera) Santgarh Harkhowal and that he (Sarnjit Singh) along with Goldy had hatched the conspiracy to defame the Sewadars of Gurdwara by inflicting injuries upon them and to get MLR prepared from Civil Hospital and to make statement against the Sewadars. It

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was further disclosed that Goldy inflicted injuries upon him (Sarnjit Singh) and he got himself admitted at Civil Hospital, Hoshiarpur and got the MLR conducted, but did not take any action. It was also disclosed that on the night of 7/8.11.2022, he had taken bus of Gurdwara Sahib for paying obeisance at Singhpura, Kartarpur along with Sukhvir @ Manga @ Goldy, Darshan, Gurpreet Singh, Kulwinder Singh and Pawan, but they knew that they were going to take illegal possession of Gurdwara Santgarh Harkhowal. Sarnjit Singh disclosed about the role played by Tarsem Singh, who along with 10-12 Nihang Sikhs had reached Gurdwara and further stated that these Nihangs had stolen the DVRs of the CCTV cameras. On the basis of disclosure statement of Sarnjit Singh, Gurpreet Singh, Kulvinder Singh, Darshan Singh, Sukhvir Singh @ Gurwinder Singh @ Goldy and Pawan were nominated as accused vide DDR No.21, dated 01.12.2022. The said disclosure statement of Sarnjit Singh also led to the recovery of one watch mark HMT and Indian currency worth Rs.5,000/-. In the supplementary disclosure statement, he also disclosed that Sukhwinder Singh and Rajinder Singh had also accompanied him and the other persons, who had gone to take illegal possession of Gurdwara Santgarh Harkhowal and on that basis, said Sukhwinder Singh and Rajinder Singh were nominated in the FIR vide DDR No.42 dated 06.12.2022.

(iv) Sukhwinder Singh and Rajinder Singh were arrested on 06.12.2022 itself and their disclosure statements were recorded. Police report further reveals that other accused Warinder Singh, Harkrishan Singh and Ajit Singh Randhawa were nominated in the FIR on the basis of disclosure statements of Sukhwinder Singh and Rajinder Singh.

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(v) Thereafter, during investigation Satbir Singh (petitioner) and Tarsem Singh @ Dhillon (petitioner) were arrested on 18.12.2022. Their disclosure statements were recorded and based thereon, Satbir Singh got effected the recovery of Indian Currency of Rs.70,000/- + Rs.1.5 lacs besides foreign currency of different domination & different nations and two gents *kadas* weighing 59 grams and 50 grams. The disclosure statement of petitioner Tarsem Singh led to the recovery of foreign currency of different countries, besides Indian currency of Rs.75,000/- + Rs.3 lacs apart from a gold *kada* and passport of Baba Amarjit Singh Ji and pass-book of Punjab & Sindh Bank and Indian Bank of Manjit Singh. (vi)

Gagandeep Singh @ Happy (petitioner in CRM-9079-2023) was nominated in the FIR on the basis of disclosure statement of Tarsem Singh @ Dhillon vide DDR No.39 dated 23.12.2022.

(vii) After concluding the investigation qua Sarnjit Singh, Tarsem Singh, Satbir Singh, Gurmukh Singh, Sukhwinder Singh and Rajinder Singh, challan under Section 173 Cr.P.C. was submitted before the Trial Court. Later on, some more accused were also arrested. However, SIT found no role of Baba Bhagwan Singh in the matter, due to which he was not arrested.

Contentions on behalf of petitioners:

6. (a) It is submitted by learned Sr. counsel for the petitioners that petitioners have been falsely implicated in the case, on the basis of statement of Harwinder Singh, who has nothing to do with the Gurdwara Santgarh Harkhowal. No injury to anybody was caused in the alleged incident. No firing was done despite alleged use of pistol etc. Though presence of various

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other devotees is projected at the time of occurrence, but statement of none of them has been recorded. There is no evidence regarding broken doors or almirahs etc. nor any CCTV footage was taken into possession.

(b) It is contended further that petitioner Sarnjit Singh, who has been later on nominated on the basis of supplementary statement of complainant, does not dispute his presence at the spot, but he was present in the Gurdwara to pay his obeisance, as it was the most pious day for any Sikh person being 'Guruparv' on 08.11.2022.

(c) Learned Sr. counsel contends further that earlier a civil suit (copy Annexure P-5) had been filed by Dera Santgarh Harkhowal through its Mohtmim/head namely Sant Baba Bhagwan Singh and others against Manjit Singh and others, seeking a decree of permanent injunction to restrain them in the interfering in the management and control of Dera Santgarh Harkhowal and also to restrain them from interfering in the lawful and peaceful possession of the plaintiffs of the suit for making an attempt to encroach upon the property of the Dera situated in the revenue estate of village Harkhowal and other villages. The Court had directed parties to maintain status quo regarding possession, operation and function of the Dera vide order 21.12.2020. It had been pleaded in that suit that after the demise of Baba Didar Singh Ji, the previous Headman/Mohtmim of the Dera, Sant Baba Bhagwan Singh Ji was appointed as Headman/Mohtmim of the Dera Santgarh Harkhowal. A certificate had also been issued by the Panchyati Akhada Nirmal to that effect. Defendants of that suit were alleged to be strangers having no right in the property of the Dera, but who wanted to grab the property. Learned Sr. counsel has drawn attention towards the

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written statement, which was filed on behalf of the defendants in that suit, in which it was claimed that defendant No.1-Manjit Singh was appointed as Headman/Mohtmim of Dera Santgarh Harkhowal in order to manage the affairs of the Dera and said appointment was confirmed and approved by other Sants and Mahants of different Deras as Bheiks by offering pagadi etc. Learned counsel contends that no document to support this contention was ever filed. Later on, the suit was dismissed by the Civil Court vide order dated 18.10.2022 under Order 22 Rule 4 CPC on the ground that same stood abated on account of death of defendants and no application having been moved to implead their legal representatives. The said order dated 18.10.2022 was challenged by Dera Santgarh Harkhowal through its Mohtmim/Headman Baba Bhagwan Singh etc. by filing CR No.1054 of 2023, which was allowed in view of the amended provisions of Order 22 Rule 4 CPC vide order dated 17.02.2023 (Annexure P6). The petitioners were given liberty to move appropriate application before the Trial Court to bring on record the legal representatives of deceased-defendants. Learned Sr. counsel contends that thus, civil litigation was pending, in which status quo qua possession had already been ordered.

(d) It is further the contention of Ld Sr. counsel that petitioner Sarnjit Singh is in custody since 30.11.2022 i.e. for the last six months, whereas petitioners Tarsem Singh @ Dhillon and Satbir Singh are in custody since 18.12.2022 i.e. for the last more than 5 months; that challan has already been filed and the trial is likely to take long time to conclude and so, all of them be allowed regular bail.

(e) Regarding petitioner Gagandeep Singh, it is contended that he

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has been nominated in the FIR on 23.12.2022 after much delay, on the basis of disclosure statement of Tarsem Singh and that there is absolutely no incriminating circumstance against him and so he be granted the benefit of anticipatory bail, as he is ready to join investigation.

Reply by State/Complainant:

7. Strongly opposing all the bail petitions, learned counsel for the complainant, supporting learned State counsel, submitted that status quo order dated 21.12.2020 passed in the civil suit, as referred by learned Senior counsel for the petitioners, stood already vacated on dismissal of the suit on 18.10.2022. The occurrence had taken place on the intervening night of 7/8.11.2022 after dismissal of the suit. Learned counsel contends further that it was never held in the civil suit proceedings that Sant Bhagwant Singh was in possession of the Dera. Learned counsel further pointed out towards the final report under Section 173 Cr.P.C. filed by the police, in which 7 eye witnesses have been cited and so, the contention of learned Sr. counsel for the petitioners to the effect that case is based on the statement of Harwinder Singh only, is incorrect. Still further, learned counsel has placed on record the copy of photograph taken from the CCTV footage revealing the presence of the petitioners at the spot armed with weapons. He placed on record copy of the order dated 06.12.2022 passed by a co-ordinate Bench of this Court in CRM-M-56225-2022 (O&M), whereby the petition for anticipatory bail filed by Ishwar Singh and another, who were simply named as conspirator, was dismissed. Learned counsel contends that it is a case of heinous crime, having been committed in the dead of night, to take possession of a religious place i.e. Gurdwara along with dera, armed with

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lethal weapons by numerous people including the petitioners and to have committed dacoity. It is contended that the recovery of heavy foreign currency from the two petitioners Satbir Singh and Tarsem Singh @ Dhillon, cannot be planted by the police. With all these submissions, prayer is made for rejecting of all the bail petitions.

8. I have considered submissions of both the sides and have also perused the record carefully.

Observations of the Court:

9. As far as the case of petitioner Gagandeep Singh @ Happy, who is seeking anticipatory bail, is concerned, his name surfaced during investigation only on 23.12.2022 in view of the disclosure statement suffered by Tarsem Singh @ Dhillon, who is stated to be his brother-in-law. The name of Gagandeep Singh did not emerge during investigation from the date of occurrence, which took place on the night intervening 7-8.11.2022 till 23.12.2022.

10. Having regard to the aforesaid circumstances, petition qua Gagandeep Singh @ Happy is allowed. However, it is subject to the condition that he shall join the investigation and co-operate in the same. In case, he fails to join the investigation and co-operate in the same, the State will be at liberty to to approach this court for cancellation of his bail.

11. CRM-M-9079-2023 qua petitioner Gagandeep Singh @ Honey stands allowed accordingly.

12. Coming to the three petitioners, namely, Sarnjit Singh, Satbir Singh and Tarsem Singh @ Dhillon, who are seeking regular bail, their presence at the spot is not denied. Two of them Tarsem Singh @ Dhillon

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and Satbir are specifically named in the FIR. It has also been disclosed by learned Sr. counsel for the petitioner during arguments that Tarsem Singh @ Dhillon is driver of Baba Bhagwan Singh. The presence at the occurrence of petitioner Saranjit Singh, whose name was disclosed in the supplementary statement, is also not denied. Based on the disclosure statements suffered by them, recovery has been effected from all of them.

13. As far as civil litigation referred by learned Sr. counsel for the petitioners is concerned, rights of none of the parties were crystallized by the Civil Court. No document is placed on record to show that Baba Bhagwan Singh was in possession of Gurdwara Santgarh Harkhowal or had been appointed Headman/Mohtmim of the said Dera/ Gurdwara after the demise of previous Mahant/Mohtmim.

14. Allegations are very serious of having committed grave offences, inasmuch as 40-50 persons armed with various kinds of lethal weapons attempted to forcibly take possession of Gurdwara/dera, a religious place, hurting religious sentiments on the most pious day Guruparv, in the dead of the night at about 2:00 am, broke the doors/ almirahs etc. and took away various valuable etc. Offence under Section 397 IPC is punishable up to Life Imprisonment; whereas 14 years imprisonment is provided for the offence under Section 458 IPC. Considering all these factors but without commenting anything on the merits of the case, none of these petitioners Tarsem Singh Dhillon, Satbir & Saranjit @ Sharanjit deserve to be allowed bail.

As such, petitions qua these petitioners Saranjit Singh, Satbir Singh

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and Tarsem Singh @ Dhillon are hereby dismissed.

Photocopy of the orders be placed in the connected matters.

June 02, 2023
sarita

Whether reasoned/speaking:
Whether reportable:

(DEEPAK GUPTA)
JUDGE
Yes/No
Yes/No