

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32768-2023

Reserved on: 06.11.2023

Pronounced on: 09.11.2023

GURPREET SINGH

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gopal Singh Nahel, Advocate, for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.26 dated 18.03.2023 registered at Police Station Khilchian, District Amritsar under Sections 279, 353, 186, 506, 336 and 427 of the Indian Penal Code, 1860 and Sections 25 (2), 27 and 29 of Act No.54 of 1959 i.e. the Arms Act, 1959.

2. (i) It is contended by ld. counsel that as per FIR version, different vehicles occupied by different people and led by co-accused Amritpal Singh are alleged to have broken the barricade laid by the police and it has also been further alleged that by brandishing their weapons, they obstructed the police party from performing their duties and fled away.

(ii) Ld. counsel contends that though the names of the occupants of all the vehicles led by Amritpal Singh are mentioned, but

petitioner is not named in the FIR nor there is allegation that anybody ran away from the spot. Still further, it is contended that report under Section 173 CrPC has already been filed and that trial is likely to take time. Ld. counsel further submits that petitioner is a young boy aged 29 years having no criminal antecedents and no recovery of any weapon was effected from him and so, in all these circumstances, he be allowed bail.

3. (i) Opposing the bail petition, ld. State counsel has drawn attention towards the detailed status report filed by the respondent/State containing the background facts, which led to the registration of the FIR.

(ii) As per the status report, one Amritpal Singh started a new ideology in Punjab for promoting the Sikh Religion and titled his organization as '*Waris Punjab De*'. The deeds, actions, intelligent inputs and other evidence which came on record, clearly established that he was creating an atmosphere against the State, as said Amritpal Singh and his associates, from their actions, hate speeches etc. on the social media as well as in the gathering, demonstrated that they were acting against the State and were falsely influencing the individuals.

(iii) On 07.02.2023, one Varinder Singh s/o Sukhdev had uploaded a live video on social media deprecating the illegal and immoral acts being committed by Amritpal Singh and his supporters under the garb of leading a supposed battle for promotion of Sikh Rights.

(iv) In retaliation to the said criticism by Varinder Singh, Amritpal Singh got him abducted on 15.02.2023. During the period of his confinement, said Varinder Singh was assaulted by the kidnappers so

as to discourage and dissuade him from speaking against Amritpal Singh and against his organization 'Waris Punjab De'. In this respect, FIR No.29 dated 16.02.2023 was registered at Police Station Ajnala, District Amritsar (Rural), at the instance of Varinder Singh, under Sections 365, 379B (2), 323, 506, 148 & 149 IPC against Amritpal Singh and his associates. On registration of the FIR, it was reasonably apprehended that Amritpal Singh and his supporters were likely to commit serious illegalities. They could take law in their hands.

(v) On 18.02.2023, one of the accused in the aforesaid FIR No.29 dated 16.02.2023, namely, Lovepreet Singh @ Toofan, belonging to Amritpal Singh's coterie, was arrested by the Police of Police Station Ajnala and sent to judicial custody by Id. JMIC, Ajnala. However, ever since Lovepreet Singh @ Toofan was arrested, Amritpal Singh publicly declared that he along with his supporters will take necessary steps to forcibly get him released from the custody. As per the information received, Amritpal Singh planned to storm the Police Station Ajnala, District Amritsar (Rural), alongwith his supporters to get Lovepreet Singh @ Toofan released.

(vi) On 23.02.2023, at about 2:00 PM, a mob of several hundred people, led by Amritpal Singh marched towards Police Station Ajnala in a bid to lay siege thereon. He and the mob took refuge under Sri Palki Sahib, which was made to move in a most disrespectful manner with and as a part of the mob. On reaching the periphery of Police Station, Ajnala, a serious clash took place between the mob and police force deployed at the spot. On account of august presence of Sri Palki Sahib, the Police force was compelled to exercise utmost restraint, so as to ensure that no

disrespect to Sri Palki Sahib is caused, but in the process, several police personnel suffered serious and grievous injuries and eventually, thousands of persons including Amritpal Singh, Gurmeet Singh and Harkaran Singh @ Chappa, were able to storm their way into the Police Station, Ajnala brandishing their weapons including arms and ammunition. SSP, Amritsar (Rural) had to come to the spot and enter into deliberations with Amritpal Singh and his supporters. During this episode, the heavily armed supporters practically captured the Police Station, Ajnala for a period of about 4 hours in addition to having inflicted serious and near-fatal injuries to many of the police officials. Regarding this occurrence, FIR No.39 dated 24.02.2023 was registered at Police Station Ajnala, District Amritsar (Rural), Punjab for the offences punishable under Sections 307, 353, 186, 332, 333, 506, 120-B, 427, 148, 149 IPC against Amritpal Singh and his associates.

(vii) Status report states further that the above said incident and the presence of Amritpal Singh and others was captured on video right outside the Police Station, Ajnala, wherein Amritpal Singh can be seen and heard announcing to the public that they had warned CM Mann not to tread on the path of CM Beant Singh. He insinuated that CM Mann will meet with same fate by way of assassination by a human bomb as former CM Beant Singh. The said inflammatory utterances made by Amritpal Singh had the tendency to mislead the youth of State of Punjab. It was apprehended that Amritpal Singh and his associates were likely to make more such inflammatory utterances in order to mislead his supporters. After the abovesaid incident, Amritpal Singh warned the police and the Administration before media and threatened that any

action against him will lead to more violent protests by him and his organisation.

(viii) Massive operation was then conducted by the then Punjab Police under the direction of Government of Punjab and as well as of the Central Government of India. Various individuals including Amritpal Singh, Papalpreet Singh and Harjit Singh, who are the co-accused in the present FIR, were detained under the National Security Act and were sent to Central Jail, Dibrugarh, Assam.

(ix) Ld. State counsel submits that it is in the aforesaid background that the present FIR had been registered against Amritpal Singh and his associates, when all of them dashed their vehicles in the barricades laid by the police; brandished their lethal weapons by downing the window panes of their vehicles and obstructed the police party from performing their duties.

(x) Ld. State counsel submits that present petitioner was nominated on the basis of disclosure statement suffered by co-accused Baljinder Singh, from whose possession one DDBL 12 bore gun and 50 cartridges of 12 bore were recovered and who admitted to be the part of the contingent led by Amritpal Singh. He also disclosed that petitioner-Gurpreet Singh was their companion. Petitioner was arrested on 20.03.2023 and during questioning, he suffered disclosure statement, admitting to be the part of contingent led by Amritpal Singh.

With all these submissions, prayer has been made for rejecting the bail petition.

4. I have considered submissions of both the sides and have appraised the record carefully.

5. Though petitioner has no criminal antecedents and no recovery of any weapon was effected from him as conceded by Id. State counsel, but considering all the circumstances, which emerged during investigation and as are detailed in police report, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner. As such, the present petition is hereby dismissed.

09.11.2023
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes
2. Whether reportable?	No