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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218-3

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Date of Decision : October 31, 2023

HARMAIL SINGH JODHE

-Petitioner

V/S

STATE OF PUNJAB

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Sandeep, Addl. A.G., Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, the petitioner, who claims himself to be a senior leader of the Shiromani Akali Dal (Amritsar), has sought the concession of his being enlarged on regular bail, in case bearing FIR No.39 dated 24.02.2023, under Sections 307, 353, 186, 332, 333, 506, 120-B, 427, 148, 149 of the IPC, registered at Police Station Ajnala, District Amritsar Rural.

2. The petitioner urges for the relief (supra), on the premise, that he has been falsely entangled in the present FIR at the behest of the ruling party, with a malafide intention, to build criminal record against him and one Amritpal Singh, President, Waris Punjab (Regd.). The petitioner claims that the registration of the present FIR has caused his name to reflect for the first time ever in any criminal record, as prior thereto, he did not have any criminal antecedents. It is contended that the petitioner has been penalized despite him not being at fault, as the alleged violence leading to breakdown of law and order, was indeed committed by some antisocial elements at the command of the ruling party. The involvement of the ruling party becomes apparent from the fact that despite there being a bounden duty upon the government, to maintain law

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and order situation in the State, yet it intentionally allowed the procession, led by Amritpal Singh, to march towards the place of occurrence and did not make any effort to stop the said procession.

3. The learned counsel for the petitioner contends that the petitioner has not been assigned any specific role or injury, either in the FIR or in the challan. It has been further contended that there has been delay in registration of the present FIR, as the alleged incident occurred on 23.02.2023 at 02:00 p.m., whereas, the present FIR was registered after more than 30 hours, i.e. on 24.02.2023, at 09:50 p.m. The delay (supra) has been attributed to deliberately aggravate the penal offences, through premeditation and concoction.

4. *Per contra*, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner, on the ground, that there is ample incriminating evidence available on record, to establish the active involvement of the petitioner in the present incident, and, challan also stands presented before the trial Court. An apprehension qua threats being extended to the witnesses has also been expressed, if the petitioner is enlarged on bail, which may ultimately impede the pace of trial.

5. I have heard the learned counsels of the parties and have perused the entire record. However, before commencing to discover the merits of the claim(s) raised in the instant petitions, it is deemed imperative to begin with extracting the relevant contents of the present FIR, which are reproduced hereinafter:-

“Chief Munshi, PS Ajnala, Today SI SHO including ASI Agyapal Singh No. 902, ASI Ratan Singh No. 63, HC Satwant Singh No. 1541, HC Harmanjit Singh No. 483, CT Sarabjit Singh No. 1882, CT Harjit Singh No. 1520, CT Sukhdev Singh No. 901, CT Harjinder Singh No. 518, CT Sukhwinder Singh No. 311 riding government vehicle whose driver is ASI Sukhdev Singh No. 1212 in connection with law and order duty. Amritpal Singh s/o Tarsem Singh Resident of Jallupur Khaira who was

nominated in Case No. 29 dated 16.02.2023 u/s 365, 379- B(2), 323, 506(ii), 148, 149 IPC PS Ajnala and who had publicized in the media that the false case has been registered against him and his accomplices and gave call to people to gather in large number to gherao Ajnala police station on 23.02.2023. Adequate security arrangements were made in Ajnala city on 23.02.2023 to deal with the situation. In addition to Amritsar rural, forces and officers were deployed from other districts and various units, which was supervised by honorable SSP Sahib Amritsar rural. On 23.02.2023, around 2.00 am, the group of Amritpal Singh under his leadership reached Ajnala city in the form of a mob, this group was stopped near the office of BDPO Ajnala in a peaceful manner by senior officers along with Amritpal Singh. Amritpal Singh and his group included 2) Harjit Singh uncle (chacha) 3) Harmel Singh Jodhe 4) Harwinder Singh Hundal @ Labh Singh 5) Gurbhje Singh Bathinda 6) Gurpreet Singh resident of Tarn Taran 7) Pappalpreet Singh son of Pargat Singh resident Mardi Kalan 8) Onkar Singh resident of Rama Mandi Jalandhar 9) Varinder Singh Fauzi resident of Jorh Singh Wala 10) Harkaran Singh @ Chappa son of Savinder Singh resident of Kotli Amb 11) Sarabjit Singh Sarpanch Khanpur 12) Baljinder Singh son of Kewal Singh resident of Jangiana District Barnala 13) Gurpal Singh son of Maghar Singh resident of Kotra Korhiyawala District Bathinda 14) Jagmohan Singh alias Jagga Resident of Tarn Taran 15) Amandeep Singh Resident of Panigari District Faridkot 16) Satnam Singh Resident of Patiala 17) Pippal Singh Resident of Motla 18) Sukhpreet Singh Resident of Mardi Kalan 19) Bikramjit Singh and apart from these persons, 200/250 unidentified persons armed with lathis, machetes, kirpans, spears and weapons attacked the police officers and officers on the spot under pre-planned conspiracy with lathis, kirpans, machetes and spears and assaulted 1) Mr. Jugraj Singh SP- Inv ASR-R 2) ASI Jatinder Singh No. 62/9/PAP son of Charat Singh Resident of Ranjit Avenue Colony Gurdaspur 3) CT Manpreet Singh No. 1749 ASR-R Gunman SPIPBI ASR-R 4) PHG Janak Raj No. 465 son of Purn Chand resident of Adarsh Colony Dinanagar District Gurdaspur 5) PHG Surjit Singh No. 2645/HPR son of Toti Ram resident of Chakwala District Hoshiarpur sustained severe injuries on heads and other body parts and Amritpal Singh and his associates. Vehicles, barricades were also vandalized by the colleagues of Amritpal Singh. Under his leadership, whole crowd defiantly forcibly entered the Ajnala police station and started challenging and threatening the police and disrupted the

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duties of government officials. In regard to this cctv footages are available. The said Amritpal and his accomplices, under the conspiracy, committed a serious offense with the intention of killing the government employees, officials, disrupting the official duties by making threats, vandalizing the government vehicles and other belongings and committing the crime 307, 353, 186, 332, 333, 506 (ii), 120-B, 427, 148, 149 of IPC has been done by Mr. Jugraj Singh SP/Inv ASR-R who was injured and is still unfit to give a statement. Ct Sarabjit Singh No. 1882 is being sent to police station. The number should be made aware of the case by registering the case. Special reports should be issued. Notification should be given at the control room. I, SI/SHO along with my employees are busy in the investigation. Sd Jasjit Singh SI SHO..."

6. A perusal of the above extracted FIR reveals that, on 23.02.2023, a mob of around 200-250 persons, armed with deadly weapons, which was headed by one Amritpal Singh, the self-proclaimed leader of an Organization called "Waris Punjab De", had attacked upon the Police Station Ajnala, in order to get released one of their associates from police custody. In their endeavour to secure release of their associate, the mob turned violent and besides, inflicting injuries to senior police officials, upto the rank of Superintendent of Police, with sharp edged weapons, the mob also vandalized government property.

7. A thorough scrutiny of the record reveals that not only the petitioner has been particularly nominated as an accused in the present FIR, but his presence at the place of occurrence also gets substantiated by the tower location of his mobile, which was detected around there at the relevant time. Nonetheless, the petitioner is stated to be a close companion of Amritpal Singh, who led the mob to cause violence. Moreover, the relevant CCTV footage also substantiates the allegations, as recorded in the FIR. What further emanates from the record is that a car bearing No.PB-02-BS-5768, which was used during the commission of present incident, has also been recovered at the instance of the

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petitioner.

8. It is also evident from a perusal of the record that in the violence perpetrated by the mobsters on the date of occurrence, many officials of Punjab Police, including senior officials upto the rank of Superintendent of Police and Deputy Superintendent of Police, had suffered injuries. To be precise, the record makes vivid display, that a Superintendent of Police had suffered injury on his head with sharp edged weapon, resulting in his receiving 14 stitches on his head.

9. It would be significant to record here that, after invocation of provisions of the National Security Act, some of the co-accused in the present FIR, including Amritpal Singh, have been shifted outside the State of Punjab and have been lodged in Dibrugarh Jail at Assam.

10. It would also be worth to record here that some of the co-accused, namely, Sukhpreet Singh @ Sukh and Harkaran Singh @ Chappa had also approached this Court through respectively filing CRM-M-24533-2023 and CRM-M-34769-2023, thereby seeking the concession of bail, however, the said petitions have been ordered to be dismissed as withdrawn, vide order of even date.

11. The present incident has shocked the conscience of the entire nation, where an unlawful mob, including the present petitioner, under the influence of one Amritpal Singh, took the law into their own hands by attacking a police station, with an ill intention to get released one of their associates from police custody, instead of taking legal recourse. The “show of strength” by mobsters herein, thereby leading to the present violent act, depicts that the mobsters, including the petitioner, consider themselves above the “Rule of Law” and throw challenge to the sovereignty and integrity of the State. Besides this, they also exhibit their future intentions to take law into their own hands,

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just to achieve their own sense of justice, if they disconcur with any act of government authority(ies) established under law.

12. Considering the hereinabove made discussion, especially the surge in violent incidents, specially against the State functionaries, by mobs, which indeed pose threat not only to social fabric of the society, but also to the law enforcement agencies, this Court finds no merit in the instant petition and is impelled to dismiss the same. Moreover, since the material placed before this Court, brings to full glare the antagonist state of affairs prevailing in the State of Punjab, therefore, this Court cannot abdicate its constitutional role and turn a blind eye to the suffering of the common man. It will be a travesty of justice, if despite grave allegations, the petitioner is enlarged on bail. The present matter needs to be dealt with in a realistic manner and with the sensitivity which it deserves, else the faith of the common man, in the law dispensing agencies, would erode.

13. Consequently, after declining the asked for relief of regular bail to the petitioner, the petition is dismissed.

14. However, it is clarified that anything expressed hereinabove shall not be construed to have any bearing on the outcome of the final trial.

October 31, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned

Whether Reportable

:

:

Yes/No

Yes/No

DEVINDER YADAV
2023.11.03 13:11
I attest to the accuracy and
authenticity of this
order/judgment