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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I.		CRM-M-45910-2023 (O&M)
Gurjeet Singh		Petitioner
	Vs.	
State of Punjab		Respondent

II.		CRM-M-53382-2023
Barinder Singh		Petitioner
	Vs.	
State of Punjab		Respondent

III.		CRM-M-51283-2023
Harkishan Singh		Petitioner
	Vs.	
State of Punjab		Respondent

IV.		CRM-M-50206-2023 (O&M)
Karam Jeet Singh		Petitioner
	Vs.	
State of Punjab		Respondent

Reserved On: 29.11.2023
Pronounced On: 08.12.2023

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Divanshu Kaushik &
Mr. R.P.S. Jammu, Advocates for the petitioner(s)
in CRM-M-45910-2023 & CRM-M-50206-2023.

Mr. Sanjeev Kaushik and Mr. Rohit Kaushik, Advocates
for the petitioner(s) in
CRM-M-53382-2023 & CRM-M-51283-2023.

Mr. M.S. Nagra, AAG, Punjab.

Mr. A.P.S. Deol, Sr. Advocate with

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Mr. Karan Kalia, Advocate for
the complainant.

DEEPAK GUPTA, J.

This order shall dispose of 04 petitions titled above, in all of them filed under Section 438 Cr.P.C., petitioners pray for grant of anticipatory bail in case 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 the IPC and Sections 25/27 of Arms Act (Act N: 54 of 1959) [Sections 411 IPC added later on].

Allegations in the FIR:

2. 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, the place known by the name of Baba Jawala Singh Harkhowal Wale. 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 and saw that 40-50 persons, some wearing uniform of *Nihangs* 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.

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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, ₹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 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 see-

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ing 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 & Satbir Singh**. 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:

3. Police proceedings recorded below the FIR reveal that on 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

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Harwinder Singh was also verified by Surjit Singh S/o Ujagar Singh and attested by the ASI.

4. Separate replies 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.

5. (i) On 15.11.2022, supplementary statement was made by the complainant, as per which Tarsem Singh @ Dhillon had come along with **Gurmukh Singh, Paramjit Singh and Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh** 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.

(ii) Gurmukh Singh 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 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

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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 also 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 ₹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.

(iii) Sukhwinder Singh and Rajinder Singh were arrested on 06.12.2022 itself and their disclosure statements were recorded. As per Status report, accused **Warinder Singh** (*petitioner in CRM-M-53382-2023*), **Harkrishan Singh** (*petitioner in CRM-M-51283-2023*) and **Ajit Singh Randhawa** were nominated in the case on the basis of disclosure statements of Sukhwinder Singh and Rajinder Singh.

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(iv) During further investigation, Satbir Singh and Tarsem Singh @ Dhillon were arrested on 18.12.2022. Their disclosure statements were recorded and based thereon, Satbir Singh got effected the recovery of Indian Currency of ₹70,000/- + ₹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 Tarsem Singh led to the recovery of foreign currency of different countries, besides Indian currency of ₹75,000/- + ₹ 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.

(v) During further investigation, one Surjit Singh (*Annexure A2 produced in CRM-49126 in CRM-M-45910-2023*) son of Ujagar Singh resident of Village Chakowal, Sheikhan, Police Station Bullowal, District Hoshiarpur got recorded his statement under Section 161 Cr.P.C. on 17.12.2022, in which he disclosed that on the night intervening 07/08.11.2022, the accused had come to the Gurudwara Santgarh Harkhowal, Hoshiarpur with a view to take possession. This witness produced a photograph (*Annexure P3 produced in CRM-49126 in CRM-M-45910-2023*) of four persons and identified Sharanjit Singh (already arrested); and **Gurjeet Singh** (*petitioner in CRM-M-45910-2023*), further stating that other two persons appearing in the photograph could be identified by Gurjeet. On the basis of this statement of the Surjit Singh, petitioner Gurjeet Singh was nominated in the present case vide DDR No.18 dated 17.12.2022.

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(vi) **Gagandeep Singh @ Happy** was nominated in the case on the basis of disclosure statement of Tarsem Singh @ Dhillon vide DDR No.39 dated 23.12.2022.

(viii) During further investigation, accused **Gurwinder Singh @ Goldy** was arrested on 17.02.2023 and in his disclosure statement suffered on 21.02.2023, he nominated **Karam Jeet Singh** (*petitioner in CRM-M-50206-2023*) and one **Gurvir Singh @ Rinku** to be present with him at the time of occurrence. On the basis of this disclosure statement, petitioner Karam Jeet Singh and Gurvir Singh @ Rinku were nominated vide DDR No.3 dated 21.02.2023.

Contentions raised on behalf of petitioner Gurjeet Singh:

6. It is contended by learned counsel that name of petitioner Gurjeet Singh has surfaced for the first time in the statement under Section 161 Cr.P.C. of Surjit Singh, recorded on 17.12.2022 i.e., more than one month from the date of occurrence. Learned counsel further contends that name of the petitioner is nominated on the basis of a photograph Annexure A-3 as produced by this witness, without any investigation as to from which source that photograph was taken and without obtaining any certificate as required under Section 65-B of the Evidence Act and so, photograph in itself is inadmissible in evidence. Source of the photograph was not disclosed by PW- Surjit Singh in his statement. Learned counsel submits that still the petitioner is ready to join the investigation.

Contentions raised on behalf of petitioners Barinder Singh & Harkishan Singh:

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7. It is contended by learned counsel that these accused have been nominated on the basis of disclosure statement of co-accused Rajinder Singh, who had been earlier nominated by another co-accused Sharanjit Singh and therefore, these disclosure statements are inadmissible in evidence. Petitioners are still ready to join the investigation.

Contentions raised on behalf of petitioner Karam Jeet Singh:

8. It is contended by learned counsel that said petitioner is nominated on the basis of disclosure statement of co-accused Gurwinder Singh @ Goldy on 21.02.2023 i.e., more than 03 months from the date of occurrence without specifying the role attributed to him. Learned counsel contends that petitioner is still ready to join the investigation.

Stand of Respondent State:

9. Opposing the petitions, learned State counsel ably supported by learned senior counsel appearing for the respondent/complainant submits that though the culprits who intruded in the Gurudwara, had stolen the DVRs of the CCTVs installed therein but accused Gurjeet Singh (petitioner in CRM-M-45910-2023) is visible in photograph (Annexure P-3) carrying weapon, which photograph has been taken from the screenshot of the CCTV footage installed in the adjoining houses of Dera Santgarh Harkhowal, from where the dacoity was committed by the gang members. Learned State counsel further submits that matter is still under investigation and that custodial interrogation of the petitioner(s) is required in order to probe the exact role played by them and in order to effect

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the recovery of various articles, which were taken away by the culprits. Prayer is made for dismissal of the petition.

10. I have considered submissions of both the sides and have perused the record.

Analysis by the Court:

11. This Court had earlier dealt with the bail petitions of co-accused Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh; Satbir Singh; Tarsem Singh @ Dhillon & Gagandeep Singh, all four of which were disposed of vide common order dated 02.06.2023 (*Annexure P-4 in CRM-M-45910-2023*). By way of that order, though the petition seeking regular bail by accused Sarnjit Singh, Satbir Singh and Tarsem Singh @ Dhillon was dismissed but anticipatory bail was allowed to co-accused Gagandeep Singh @ Happy, after observing that his name had surfaced during investigation on 23.12.2022 in view of disclosure statement of co-accused Tarsem Singh @ Dhillon and that name of Gagandeep Singh had not emerged during investigation from the date of occurrence i.e. night intervening 07/08.11.2022 till 23.12.2022.

12. The case of petitioners Harkishan Singh, Barinder Singh & Karam Jeet Singh is almost on the same footing, inasmuch as petitioners Harkishan Singh & Barinder Singh have been nominated on the basis of disclosure statements of co-accused Sukhwinder Singh and Rajinder Singh, who had been earlier nominated by another co-accused Sarnjit. As per the disclosure statement, it was stated by Rajinder Singh that on reaching Gurudwara Santgarh Harkhowal, apart

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from Tarsem Singh, Sarnjit Singh @ Sharanjit Singh @ Sharanjeet Singh, 10-12 *Nihangs* had met him with weapons, who included Barinder Singh, Harkishan Singh, Surjit Singh and that Barinder Singh had given him a polythene containing a passport, gold chain, watch and a registry and had asked him to keep with him. Thus, the possession of articles as referred in the disclosure statement of Rajinder was with said Rajinder and that recovery was not effected from petitioner-Barinder.

13. Except the disclosure statements of the co-accused, no other incriminating material has emerged against the petitioners Harkishan Singh and Barinder Singh.

14. Similarly, the name of petitioner Karam Jeet has surfaced for the first time on 21.02.2023 on the basis of disclosure statement of co-accused Gurwinder Singh @ Goldy, i.e., after more than 03 months of the occurrence, without specifying the role played by him.

15. As far as petitioner- Gurjeet Singh is concerned, he has been named by one witness namely, Surjit Singh son of Ujagar Singh, whose statement Annexure A-2 was recorded on 17.12.2022 i.e. more than one month after the occurrence and as per that statement, he had produced a photograph Annexure A-3, showing four persons carrying weapons and one of them was identified to be petitioner- Gurjeet Singh. Police report does not reveal as to whether Surjit Singh disclosed the source of the photograph. It is for the first time that Ld. counsel for the complainant disclosed to this court that the photograph has been taken as a

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screenshot from the CCTV footage installed in the adjoining houses to the Gurudwara, again without specifying as to in whose house, the CCTV was installed and whether the primary source i.e., CCTV was taken into possession. Status report filed by State is silent in this regard. It is not clear on perusal of Annexure A-3, that this photograph is taken from the spot of occurrence.

16. Having regard to all the afore said facts and circumstances, there is no justification to decline the benefit of anticipatory bail to the petitioners. As such, all the four petitions are accepted. It is directed that in the event of arrest of any of the petitioners, they shall be released on bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioners shall join the investigation, as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

Photocopy of this order be placed on the connected case files.

(DEEPAK GUPTA)
JUDGE

December 08, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No