

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

I.

CRM-M-11035-2024

GURPREET SINGH

..... Petitioner

Vs.

STATE OF PUNJAB

..... Respondent

II.

CRM-M-63676-2023

GURBHEJ SINGH @ BHEJA

..... Petitioner

Vs.

STATE OF PUNJAB

..... Respondent

Reserved on: 15.05.2024
Pronounced on: 17.05.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Gopal Singh Nahel, Advocate,
for the petitioner (in CRM-M-11035-2024).

Mr. Bhanu Pratap Singh, Advocate,
for the petitioner (in CRM-M-63676-2023)

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions tilted above, both filed under Section 439 CrPC, petitioners pray for their release on regular bail in case FIR No.26 dated 18.03.2023 registered at Police Station Khilchian, District Amritsar under Sections 279/353/186/506/336/427 IPC and Section 25(2)/27/29 (Act N:54 of 1959) of the Arms Act, 1959.

2. Though it is 1st petition for petitioner-Gurbhej Singh @ Bheja, but the other petitioner-Gurpreet Singh is trying his luck for the second time,

as his earlier petition bearing CRM-M-32768-2023 was dismissed by this Court vide order dated 09.11.2023 (Annexure P4).

3. Separate status reports in both the cases have been filed by the respondent-State.

4. FIR was registered on the complaint of Inspector Inderjit Singh, as per which different vehicles occupied by different people and led by co-accused Amritpal Singh had broken the barricade laid by the police and by brandishing their weapons, they obstructed the police party from performing their duties.

5. The common contention raised by the two petitioners is that none of them are named in the FIR; that they have been arrested on the basis of disclosure statement of the co-accused; and that trial is likely to take a long time to conclude.

6. Petitioner-Gurpreet Singh also pleads that he is in custody for the last 1 year and 1 month; whereas maximum sentence provided for the alleged offences is 2 years and so; having already undergone custody of more than half the sentence, he be allowed bail.

7. Ld. State counsel has strongly opposed both the petitions. He has drawn attention towards the background facts, in which the present FIR was registered, which were duly noticed by this Court, while dismissing earlier bail petition of Gurpreet Singh i.e. CRM-M-32768-2023 on 09.11.2023. These facts are also reiterated in the status reports filed in the present two petitions.

8. The background facts as noticed in the order dated 09.11.2023 passed in CRM-M-32768-2023 are as under: -

“3. (i) Opposing the bail petition, Id. 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 above said 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.”

9. Ld. State counsel submits that the present petitioners were nominated on the basis of disclosure statements of co-accused Baljinder Singh, Harminder Singh, Ajaypal Singh, Gurbir Singh, Savreet Singh, Gural Singh and Amandeep Singh, to have actively participated in the crime. Ld. State counsel contends further that having regard to the historical background of Punjab, in which the terrorism had flourished earlier and during which Hon’ble Chief Minister Beant Singh was also assassinated, the utterances made by co-accused Amritpal Singh assumes significance. By pointing out towards the nature of crime and the manner in which it was committed, ld. State counsel prays for dismissal of both the petitions.

10. Attention is also drawn by ld. State counsel towards the custody certificate of Gurbhej Singh @ Bheja (*petitioner in CRM-M-63676-2023*), who is involved in six other criminal cases; whereas the earlier petition of Gurpreet Singh (*petitioner in CRM-M-11035-2024*) was dismissed by this Court and except for the fact that his custody period has increased, there is no change in circumstance.

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

12. Considering all the background facts, which have been disclosed in the status reports filed by the Police and in view of circumstances in which the crime was committed and in which the two petitioners actively participated in the crime along with the co-accused, but without commenting anything further on the merits of the case, this Court is

not inclined to grant benefit of regular bail to the petitioners. As such, both the petitions are hereby dismissed.

Pending application(s), if any, also stand disposed of.

A photocopy of this order be placed on the file of other connected case.

17.05.2024

Vivek

(DEEPAK GUPTA)

JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>