

2024:PHHC:061905

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210-2

CRM-M-62920-2023

Date of Decision :02.05.2024

GURJODH SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S.Hundal, Sr. Advocate with
Mr. G.S.Hundal, Advocate,
for the petitioner.

Mr.Deepinder Singh, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.39, dated 24.02.2023, under Sections 307, 353, 186, 332, 333, 506(ii), 120-B, 427, 148 and 149 of the IPC, and under Sections 25/27 of the Arms Act, 1959 (Section 201 IPC, added later on), registered at Police Station Ajnala, District Amritsar Rural.

2. In asking for the relief (*supra*), learned senior counsel for the petitioner submits that no overt act has been attributed to the present petitioner.

3. He further submits that the alleged incident occurred on dated 23.02.2023, at about 2:00 p.m., whereas, the present FIR was registered on dated 24.02.2023. From 24.02.2023 to 18.03.2023, i.e. difference of 25 days, no attempt was made by the police to arrest the

present petitioner. Thus, there is a delay of 25 days. The delay so occurred, has been attributed to deliberately aggravate the penal offences, through pre-mediation and concoction.

4. He also submits that petitioner has neither heard the name of any party with the name of 'Waris Punjab De', nor has met its leader, thereof, namely, Amritpal Singh. He was working as a driver on a private combine, and on dated 23.02.2023, he had gone to different place i.e., Ajnala, Chmiari, and Chogawan, for purchasing spare parts for the combine machine. He never visited the place of occurrence, i.e. police station, as alleged in the FIR, and even after 23.02.2023, he was staying in his native village in his daily routine.

5. He in addition submits that the police picked up the present petitioner from his village at about 2:00 p.m. On dated 27.03.2023, and was proceeded against him under Sections 107/151 Cr.P.C. vide DDR No.38, dated 21.03.2023. The petitioner was arrested in the instant case/FIR, and was confined in the Central Jail, Amritsar.

6. He furthermore submits that no offence, whatsoever, as alleged in the instant FIR, has been committed by the petitioner. In fact, as no order under Section 144 Cr.P.C. was promulgated by the District Magistrate concerned, therefore, even though the petitioner was present on the place of occurrence, no offence has been committed by him.

7. He over and above submits that the mobile tower location of the present petitioner also proves that he was not present on the spot at the time of occurrence, in fact at that time he was in town Chogawan, that

is 15 k.m. away from Ajnala, i.e. the place of occurrence.

8. He on top of that submits, that the petitioner was arrested in the instant FIR, way back on dated 27.03.2023 in the present case, and as such has suffered sufficient incarceration of about more than one year as on today, and the trial is yet to commence, and therefore, the petitioner cannot be kept behind the bars for indefinite period.

9. *Per contra*, the learned State counsel opposes the asked for relief of grant of regular bail. He submits that the petitioner was very much present at the place of occurrence, and was armed with a *dang* (stick). The whole occurrence was broadcasted live on news channels, so the investigating agency is in possession of photographs, which very much shows the presence of the present petitioner, at place of occurrence, around Amritpal Singh, and his active participation in the occurrence.

10. He further submits that so far as the mobile tower location of present petitioner is concerned, it was found to be around the place of occurrence, at the relevant date and time.

11. He also submits that the petitioner, in fact was arrested on dated 18.03.2023, vide DDR. No.38, dated 21.03.2023, under Section 107/151 Cr.P.C. During investigation, the present petitioner disclosed that he had thrown the *sotta*/stick (*dang*) in a canal, consequently, Section 201 IPC, was also added in the FIR against him.

12. He furthermore, on instructions imparted to him by Sh.Raj Kumar, DSP, Ajnala, submits that the final report has been submitted, but the charges are yet to be framed.

13. He has also filed a custody certificate *qua* the petitioner,

which is taken on record, and, it reflects that the petitioner has suffered incarceration of 3 months and 23 days as on today, in the instant FIR, and, he is not involved in any other criminal case.

14. Before this Court considers the entitlement of the present petitioner to be released on regular bail, it deems imperative to begin with extracting the relevant contents of the present FIR, which are reproduced hereinafter:-

“.....Head Munshi Police Station Ajnala, Today I, SI/SHO alongwith ASI Agyapal Singh No. 902, ASI Ratan Singh No. 63, HC Satwant Singh 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 on Government vehicle being driven by ASI Sukhdev Singh No. 1212 are present at Main Chowk Ajnala in connection with law and order duty. that Amritpal Singh son of Tarsem Singh resident of Jallupur Kheda who was named in the case FIR No. 29 dated 16.02.2023 Under Sections/Crime 365,379- B(2), 323, 506(i), 148, 149 IPC PS Ajnala and was propagated by him in the media that he, regarding the false case registered by Ajnala police station against him and his companions, Ajnala police station will be surrounded on 23.02.2023, so he was asking as many people as possible to reach Jallupur Kheda village. Keeping in view of his statement, an eye on any kind of law and order situation, adequate security my arrangements were made in Ajnala city on 23.02.2023 in which forces and officers were deployed from other districts and various units apart from Amritsar rural, which was monitored by respectable SSP Sahib Amritsar Rural himself. On 23.02.2023, when it was 2.00 pm, the group of Amritpal Singh under his leadership reached Ajnala city in the form of a crowd, then this group was stopped near the office of BDPO Ajnala in a peaceful manner by senior officers and tried to talk to Amritpal Singh then in the crowd/gathering, apart from Amritpal Singh and his group which included 2) Harjit Singh Chacha 3) Harmel Singh Jodhe 4) Harwinder Singh Hundal @ Labh Singh 5) Gurbhje Singh Bathinda 5) Gurpreet Singh resident of Tarn Taran 7) Pappalpreet Singh son of Pargat Singh resident Mardi Kala 8) Onkar Singh resident of Rama Mandi Jalandhar 9) Varinder Singh Fauzi resident of Jod Singh Wala 10) Harkaran Singh @ Champa 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 Kauriyawala District Bathinda 14) Jagmohan Singh alias Jagga Resident of Tarn Taran 15) Amandeep Singh Resident of Panjgrai District Faridkot 16) Satnam Singh Resident of Patiala 17) Pippal Singh Resident of Motlan 18) Sukhpreet Singh Resident of Mardi Kala 19) Bikramjit Singh, other 200/250 unidentified persons armed with daga, kripana, spears, daggers and weapons, in a pre- conceived plan to kill the police personnel and officers present at the spot, attacked directly with kirpans, datra,

dagger and spears, in which 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 SP/PBI ASR-R 4) PHG Janak Raj No. 465 son of Puran Chand resident of Adarsh Colony Dinanagar District Gurdaspur 5) PHG Surjit Singh No. 2645/ HPR son of Toti Ram resident of Chakfala District Hoshiarpur sustained severe injuries on heads and other body parts and Amritpal Singh and his accomplices damaged the Government vehicles, barricades were also vandalized and this entire mob led by Amritpal Singh forcibly entered the Ajnala police station raising lalkaras and started challenging the police and threatening to kill them and obstructing the duty of the government orderly officers. Regarding this related camera and CCTV footages are available which Amritpal Singh and his said accomplices in a conspiracy to kill government employees, officials by causing serious injuries and disrupting official duties by threatening them, vandalizing the government vehicles and other belongings has committed offences under sections 307, 353, 186, 332, 333, 506(ii), 120-B 427, 148, 149 of IPC. Mr. Jugraj Singh SP/ Inv ASR- R who was injured and is still unfit to give statement, therefore the Ruqa has been typed and taking printed out, is being sent by hand CT Sarabjit Singh to register the case to police station. After the registration of the FIR, the number should be made aware of. Special reports to be issued. Control Room should be informed. I, SI SHO alongwith other companions are busy in the investigation. Sd/- Jasjit Singh SI/SHO. Today in the area of Main Chowk Ajnala AT 09:05 PM Today Police Station: At this time the said statement has been received in the police station and after the registration of above FIR, under the above offences, copy of the FIR, the original statement by hand, Ct Sarabjit Singh No. 1882 is being sent to the investigation officer for further investigation and after issuing special reports, by hand is being sent through ASI Gurbinder Singh 573 for the information of senior Officers and Area Magistrate Sahib Ji. The control room has been informed through wireless. Completion Report No. 30 Time 21:50 hrs Date 24.02.2023”

15. Upon perusal of the above extracted FIR, reveals that on dated 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.

16. On dated 12.02.2024, this Court has passed the following

order:-

“In compliance of the last order passed by this Court, Mr.Satinder Singh, SSP, Amritsar is present in the Court and informs this Court that in the instant FIR, the investigation would be completed within eight weeks from today, except the persons, who have also been booked under the National Security Act. He further informs this Court that an appropriate application for segregation of trial qua the persons, who have to face trial under the NSA Act, would be made shortly after conclusion of the investigation.

In view of the above specific statement suffered by the SSP concerned, this Court deems it appropriate to adjourn the instant matters to 2.5.2024 to await the outcome of the investigation.

Let a fresh affidavit with regard to the latest status of the investigation be filed before this Court on or before the next date of hearing.

The presence of the SSP concerned is dispensed with till further orders.

However, in case fresh affidavit, as required, is not filed on or before the next date of hearing, the SSP concerned shall cause his personal appearance before this Court.

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

17. In compliance to the aforesaid order, a status report, 30.04.2023, by way of an affidavit of Sh.Satinder Singh, SSP, District Amritsar (Rural), was filed on behalf of the State, which is ordered to be taken on record. Wherein, the role of present petitioner has been disclosed. The relevant extract of which is reproduced hereinafter:

“.....he alone went to Ajnala for encircling the Police Station Ajnala on his motorcycle make Splender bearing Registration NO.PB-46-E-8538. When he reached Ajnala, Amritpal Singh and his associates were already present there. The petitioner along with the others on asking of Amritpal Singh broke the barricading and encircled the Police Station Ajnala and gave injuries to the Police Officials/Personnel. At that time the petitioner was holding a Sotta/Stick in his hand he also gave injuries to the police personnel and thereafter he threw the sotta/stick at a barren place.”

18. 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.

19. 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 dated 31.10.2023.

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

21. 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.

22. 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.

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

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

May 02, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No