

**CRA-D-1182-2023**

1. The instant appeal has been filed on behalf of the appellant seeking grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged on the statement of ASI Babu Lal, wherein it is alleged that on 14.7.2022 when he along with HC Gurpiar Singh was on duty and was present near public toilet block situated on the backside of Sri Kali Mata Temple, Patiala, then he noticed a yellow coloured banner pasted on a wall on which 'SFJ' and 'HUL Khalistan Referendum 26 January' was printed with black ink. ASI Babu Lal immediately informed the Police Station Kotwali, Patiala and the posters were got removed and were taken into possession.
3. It is further the case of prosecution that during the course of investigation, statement of one Ashutosh Gautam, General Secretary Hindu Suraksha Samiti was recorded on 19.7.2022, who stated that Gurpatwant Singh Pannu is running the organization namely 'Sikhs for Justice' (SFJ) which has been declared as illegal and it is the said organization which usually commits such acts so as to incite communal strife. Ashutosh Gautam further stated that Harvinder Singh @ Prince (appellant) along with co-accused Prem Singh had pasted the said banners on the night intervening of 14th and 15th of July 2022 and that after pasting the banners they had taken photographs and had sent the same to Gurpatwant Singh Pannu through WhatsApp who had further posted the same on social media and had made it viral so as to create communal disharmony and also to misguide the youngsters. Said Prem Singh and Harvinder Singh were consequently nominated as accused by recording DDR on 19.7.2022.
4. It is further the case of prosecution that on 19.7.2022, the aforesaid accused were arrested and 14 similar banners were recovered from their possession.



Subsequently, on 20.7.2022 Gurpatwant Singh Pannu was also nominated as an accused. It is further the case of prosecution that during the course of investigation, it was found that the aforesaid accused were regularly in touch with Gurpatwant Singh Pannu.

5. It is further the case of prosecution that a motorcycle used by the accused for committing the offence had been purchased by them out of an amount of Rs.25,000/- sent to them by Gurpatwant Singh Pannu and that the appellant has made a disclosure statement that after spending some amount out of the said Rs.25,000/- he had buried an amount of Rs.1300/- in the ground behind the Gurudwara Sahib near to wall of his house.
6. Learned counsel for the appellant submits that he has falsely been implicated in the present case and as a matter of fact there is no eye witness to the alleged occurrence and the appellant is sought to be nominated solely on the basis of statement of one Ashutosh Gautam recorded after 4 days of the occurrence. Learned counsel further submits that no reliance can be placed even on the alleged disclosure statement made by accused regarding receipt of amount from Gurpatwant Singh Pannu inasmuch as it is highly unlikely that the accused would have buried a meager amount of Rs.1300/- in the ground.
7. During the course of arguments, learned counsel for appellant also referred to the cross-examination of PW-1 Mewa Singh, Investigating Officer, who during the course of his cross-examination stated that CCTV cameras were also checked by the police and no role of the accused was found upon checking the said CCTV footage.
8. Learned counsel further submits that as of now despite a period of about 3 years having been elapsed, only 12 PWs out of 21 PWs have been examined till date and that the appellant, in any case, deserves the concession of bail on



the ground of parity as well since identically situated co-accused Prem Singh had already been granted bail by this Court vide order dated 23.08.2024 passed in CRA-D-285-2023.

9. Opposing the appeal, learned State counsel submits that it is a case where serious offences have been committed by the appellant including offence under UAPA and that the phone recovered from the accused shows that they were in constant touch with Gurpatwant Singh Pannu. It has further been submitted that the appellant stands involved in three more cases including a case for offence under UAPA. Learned State counsel has, however, not disputed the fact that the appellant has been behind bars since the last more than 3 years and as on date only 12 PWs have been examined.
10. This Court has considered the rival submissions addressed before this Court.
11. While it is true that it is a case where serious allegations have been levelled against the appellant, but at the same time it is a case where nobody had seen the appellant pasting the banners in question. In any case, it is a matter of evidence as to whether the offence had been committed by the appellant or not. The appellant as on date has been behind bars for a substantial period of more than 3 years. The material witnesses including the complainant- Ashutosh Gautam as well as Investigating Officer have already been examined. Identically situated co-accused Prem Singh had already been granted bail by this Court vide order dated 23.08.2024. Although learned State counsel vehemently argued that the phone recovered from the accused shows that they were in constant touch with Gurpatwant Singh Pannu, but we find that the phone in question was recovered from the co-accused Prem Singh and not from the present appellant. The conclusion of trial is likely to take time. The appellant cannot be kept behind bars for an indefinite period. A Co-



ordinate Bench of this Court in CRA-D-5-2023 titled '**Manjeet Singh Vs. State of Punjab**' in somewhat identical circumstances, granted bail to an accused charged with offences under UAPA wherein he had been behind bars for about 1 year and 9 months.

12. In view of the discussion made above and without commenting any further on the merits of the case, the instant appeal is allowed and the impugned order dated 27.9.2022 is hereby set aside and the appellant is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
13. It is clarified that none of the observations made above shall be taken to be an expression on the merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

November 03, 2025
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Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No