

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-60227 of 2025

Reserved On: 02.12.2025
Pronounced On: 15.12.2025

Kulwant Singh alias Fauji

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Imaan Singh Khara, Advocates
for the petitioner(s).

Mr. Deepender Singh, Additional Advocate General,
Punjab, with Mr. Rohit Bansal, Senior Deputy Advocate
General, Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 307, 353, 186, 332, 333, 506(ii), 120-B, 427, 148, 149 and 201 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only and Sections 25 & 27 of the Arms Act,, the FIR No. 39 dated 24.02.2023 has been lodged in Police Station Ajnala, District Amritsar, Punjab. This is second petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. In nut-shell, the facts emerging from record are that the above mentioned FIR came into being at the instance of SI/SHO Jasjit Singh Gill, who had reported that on 23.02.2023 he was heading a team, deputed for law and order duty, comprising of ASI Agyapal Singh, ASI Ratan Singh, HC

C.Sukhdev Singh, C. Harjinder Singh, C. Sikhwinder Singh and driver of official vehicle ASI Sukhdev Singh. As per report submitted by the above named police official, Amritpal Singh son of Tarsem Sigh, who was an accused in a case registered vide FIR No. 29 dated 16.02.2023 under Sections 365, 379-B(2), 323, 506(ii), 295A, 148 and 149 IPC had given a call through social media to gather around Ajnala Police Station on 23.02.2023 and therefore, adequate security arrangements were made in Ajnala city to deal with the situation. According to above named police officer, the additional force including senior police officers were deployed from other districts also for handling of the situation.

3. The above named police official further reported that on 23.02.2023 at about 02:00 P.M. a crowd under the leadership of Amritpal Singh reached Ajnala city, armed with sticks, machetes, kirpans (sharp edged weapons) and spears, and started to move as a mob. As per report the movement of above mentioned mob was stopped peacefully by the senior police officers, but the above mentioned mob which comprised of Amritpal Singh, Harjit Singh, Harmel Singh Jodhe, Harwinder Singh Hundal alias Labh Singh, Gurbhej Singh Bathinda, Gurpreet Singh, Pappalpreet Singh, Onkar Singh, Varinder Singh Fauzi, Harkaran Singh alias Chappa, Sarabjit Singh, Baljinder Singh, Gural Singh, Jagmohan Singh alias Jagga, Amandeep Singh, Satnam Singh, Pippal Singh, Sukhpreet Singh, Bikramjit Singh and 200/250 more persons launched an attack upon the police officers under a pre-planned conspiracy and in the above mentioned incident, SP (Inv Amritsar) Jugraj Singh, ASI Jatinder Singh, C. Manpreet Singh, PHG Janak Raj and PHG Surjit Singh suffered serious injuries on their head and other

body parts. As per report, the above mentioned mob vandalized the barricades and official vehicles of police departments and defiantly and forcibly entered Ajnala Police Station challenging the authority of police and disrupting their duties.

4. In view of the above mentioned report, while observing that the attack was launched with the intention to kill the police officials, the FIR for the commission of offence under Section 307, 353, 186, 332, 333, 506(ii), 120-B, 427, 148 and 149 IPC was lodged in Police Station Ajnala and the investigation was taken up. It is the case of prosecution that during the course of investigation, the petitioner was arrested.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that a false story has been cooked up with regard to presence of the petitioner at the time of commission of crime, and also the conspiracy hatched for the commission of above described crime.

7. The learned counsel for the petitioner has further argued that the petitioner was not present at the spot at the time of occurrence and that is why he was not even named in the FIR. It has also been contended by learned counsel for the petitioner, while highlighting the highhandedness of the police to which the petitioner is being subjected to, that the petitioner is innocent but he has been detained in Central Jail, Amritsar. According to learned counsel for the petitioner, the petitioner is already facing prolonged incarceration in the present case for a period of more than two years & eight months, and that nothing is left to be recovered from the possession of

petitioner, and that detention of the petitioner is not likely to serve any purpose.

8. While claiming that during the course of trial also, any significant and reliable evidence has not been collected by the police, against the petitioner, the benefit of bail has been sought for the petitioner.

9. The learned State counsel has controverted the above mentioned arguments. The learned State counsel, while controverting the plea of the petitioner that he has been falsely implicated in the present case, has come forward with the arguments that during the course of trial, prosecution witnesses have deposed that the petitioner was present at the spot at the time of occurrence, and that he was also involved in hatching conspiracy for the commission of above mentioned incident. According to learned State counsel, there are very specific allegations against the petitioner that he was involved in the commission of crime, and that the gravity of offence and conduct of the petitioner renders him ineligible for the benefit of bail.

10. In addition to above, the learned State counsel has also contended that the present petition is not an isolated petition which has been moved by the accused for the commission of offence in the present FIR. According to learned State counsel, the role attributed to 17 other accused is less prominent than the role attributed to the petitioner and they had applied for the benefit of bail but the above mentioned benefit has been declined to all of them. The details of co-accused who have been denied the benefit of bail has been given by the learned State counsel. The learned State counsel has also argued that the mob of which the petitioner was a member, was so

aggressive and defiant that not only the authority of State machinery was challenged but even the sovereignty and majesty of the State.

11. The record has been perused carefully.

12. A careful perusal of record shows that in the present case, the allegations against the petitioner are that he was a member of mob armed with deadly weapons which defied not only the directions issued by the public servants, i.e. the police officers, but also threatened the authority of the State to the extent that it did not even shy away from inflicting injuries on the person of police officers performing duty at the spot. It is also relevant to mention here that the injuries inflicted by the mob were not only on the persons of junior ranked officers, but also on the person of senior police officers, and that the nature of such injuries was grievous. The above mentioned overall conduct of the above mentioned mob, whose activities were otherwise duly recorded/video-graphed, leads to the conclusion that the mob of which the petitioner was allegedly a member had not only threatened the rule of law and authority of State but also challenged the majesty of the sovereign country. Thus, the usual parameters which are adopted for the consideration of bail petition for a person accused of committing an offence cannot be made applicable to the present case by default. The rule of prudence prescribes that extraordinary measures are supposed to be taken in extraordinary condition and the situation so created by the mob was such that by any parameter it could not have been treated to be a normal/ordinary law and order issue.

13. The incident involved in the instant case 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, considered themselves above the “Rule of Law,” and throw challenge to the sovereignty and integrity of the State. Besides this, they also exhibited 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.

14. Here one of the relevant aspects to be taken into consideration is that under the directions of this Court, the trial has already been expedited and it has been reported by the learned State counsel that a large majority of witnesses, whose names are mentioned in the list of witnesses, have already been examined. It is also relevant to note that the trial in this instant case is taking place almost on day-to-day basis, and is already time bound by this Court. Thus, in the instant case even this cannot be observed that the fundamental right of speedy trial of the petitioner is being violated. Hence, it is hereby held that on the ground of delay in trial also, the petitioner is not entitled for the benefit of bail.

15. Here this fact cannot be ignored that this is second bail petition for bail moved by the petitioner. The former bail petition, i.e. CRM-M-21245-2024 was dismissed by this Court by virtue of order dated 18.03.2025. From the date of dismissal of former bail petition no significant change in circumstances has taken place. Rather as already discussed above,

the trial is progressing at reasonably fast pace and there are very fair chances that the same will reach to its final adjudication in short period of time. Thus, on the ground of delay in trial also, this bail petition is not maintainable.

16. Considering the above mentioned 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, 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.

17. As a sequel to observations made in the foregoing paragraphs, it is hereby held that the instant petition for bail is devoid of merits and deserves dismissal. Thus, the present petition is hereby **dismissed**, accordingly.

18. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

December 15, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No