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CRM-M-36305-2023 & connected case

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**(I) CRM-M-36305-2023
Date of Decision : October 31, 2023**

JAGDISH SINGH**-Petitioner****V/S****STATE OF PUNJAB****-Respondent**

(II) CRM-M-36361-2023

PARSHOTAM SINGH**-Petitioner****V/S****STATE OF PUNJAB****-Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Simranjit Singh, Advocate
for the petitioner (in both petitions).

Mr. Sandeep, Addl. A.G., Punjab.

*********KULDEEP TIWARI, J.(ORAL)**

1. Since both these petitions arise from a common FIR, besides the relief(s) craved therein is also alike, therefore, both these petitions are amenable for being decided through a common verdict.

2. The petitioners herein, who claim themselves to be volunteers of the Shiromani Akali Dal (Amritsar), have sought the concession of them being enlarged on regular bail, in case bearing FIR No.39 dated 24.02.2023, under Sections 307, 353, 186, 332, 333, 506, 120-B, 427, 148, 149 of the IPC, registered at Police Station Ajnala, District Amritsar Rural.

3. The petitioners urge for the relief (supra), on the premise, that they have been falsely entangled in the present FIR at the behest of the ruling party, with a malafide intention, to build criminal record against the



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petitioners and one Amritpal Singh, President, Waris Punjab (Regd.). The petitioners claim that the registration of the present FIR has caused their names to reflect for the first time ever in any criminal record, as prior thereto, they did not have any criminal antecedents. It is contended that the petitioners have been penalized despite them not being at fault, as the alleged violence leading to breakdown of law and order, was indeed committed by some antisocial elements at the command of the ruling party. The involvement of the ruling party becomes apparent from the fact that despite there being a bounden duty upon the government, to maintain law and order situation in the State, yet it intentionally allowed the procession, led by Amritpal Singh, to march towards the place of occurrence and did not make any effort to stop the said procession.

4. The learned counsel for the petitioners contends that neither the names of the petitioners have been reflected in the FIR, nor they have been assigned any specific role or injury. The names of the petitioners have surfaced only during the course of investigation and that too, after about one month of the registration of the FIR, whereas, the petitioners were never present at the place of occurrence. Lastly, it has been contended that there has been delay in registration of the present FIR, as the alleged incident occurred on 23.02.2023 at 02:00 p.m., whereas, the present FIR was registered after more than 30 hours, i.e. on 24.02.2023, at 09:50 p.m. The delay (*supra*) has been attributed to deliberately aggravate the penal offences, through premeditation and concoction.

5. *Per contra*, the learned State counsel has vociferously opposed the grant of regular bail to the petitioners, on the ground, that there is ample incriminating evidence available on record, to establish the active



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involvement of the petitioners in the present incident, and, challan also stands presented before the trial Court. An apprehension qua threats being extended to the witnesses has also been expressed, if the petitioners are enlarged on bail, which may ultimately impede the pace of trial.

6. I have heard the learned counsels of the parties and have perused the entire record. However, before commencing to discover the merits of the claim(s) raised in the instant petitions, it is deemed imperative to begin with extracting the relevant contents of the present FIR, which are reproduced hereinafter:-

“Chief Munshi, PS Ajnala, Today SI SHO including ASI Agyapal Singh No. 902, ASI Ratan Singh No. 63, HC Satwant Singh No. 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 government vehicle whose driver is ASI Sukhdev Singh No. 1212 in connection with law and order duty. Amritpal Singh s/o Tarsem Singh Resident of Jallupur Khaira who was nominated in Case No. 29 dated 16.02.2023 u/s 365, 379- B(2), 323, 506(ii), 148, 149 IPC PS Ajnala and who had publicized in the media that the false case has been registered against him and his accomplices and gave call to people to gather in large number to gherao Ajnala police station on 23.02.2023. Adequate security arrangements were made in Ajnala city on 23.02.2023 to deal with the situation. In addition to Amritsar rural, forces and officers were deployed from other districts and various units, which was supervised by honorable SSP Sahib Amritsar rural. On 23.02.2023, around 2.00 am, the group of Amritpal Singh under his leadership reached Ajnala city in the form of a mob, this group was stopped near the office of BDPO Ajnala in a peaceful manner by senior officers along with Amritpal Singh. Amritpal Singh and his group included 2) Harjit Singh uncle (chacha) 3) Harmel Singh Jodhe 4) Harwinder Singh Hundal @ Labh Singh 5) Gurbhjej Singh Bathinda 6)



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Gurpreet Singh resident of Tarn Taran 7) Pappalpreet Singh son of Pargat Singh resident Mardi Kalan 8) Onkar Singh resident of Rama Mandi Jalandhar 9) Varinder Singh Fauzi resident of Jorh Singh Wala 10) Harkaran Singh @ Chappa 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 Korhiyawala District Bathinda 14) Jagmohan Singh alias Jagga Resident of Tarn Taran 15) Amandeep Singh Resident of Panigari District Faridkot 16) Satnam Singh Resident of Patiala 17) Pippal Singh Resident of Motla 18) Sukhpreet Singh Resident of Mardi Kalan 19) Bikramjit Singh and apart from these persons, 200/250 unidentified persons armed with lathis, machetes, kirpans, spears and weapons attacked the police officers and officers on the spot under pre-planned conspiracy with lathis, kirpans, machetes and spears and assaulted 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 SPIPBI 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 Chakwala District Hoshiarpur sustained severe injuries on heads and other body parts and Amritpal Singh and his associates. Vehicles, barricades were also vandalized by the colleagues of Amritpal Singh. Under his leadership, whole crowd defiantly forcibly entered the Ajnala police station and started challenging and threatening the police and disrupted the duties of government officials. In regard to this cctv footages are available. The said Amritpal and his accomplices, under the conspiracy, committed a serious offense with the intention of killing the government employees, officials, disrupting the official duties by making threats, vandalizing the government vehicles and other belongings and committing the crime 307, 353, 186, 332, 333, 506 (ii), 120-B, 427, 148, 149 of IPC has been done by Mr.



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Jugraj Singh SP/Inv ASR-R who was injured and is still unfit to give a statement. Ct Sarabjit Singh No. 1882 is being sent to police station. The number should be made aware of the case by registering the case. Special reports should be issued. Notification should be given at the control room. I, SI/SHO along with my employees are busy in the investigation. Sd Jasjit Singh SI SHO..."

7. A perusal of the above extracted FIR reveals that, on 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.

8. A thorough scrutiny of the record reveals that though the petitioners claim that they were not present at the place of occurrence rather have been falsely roped in the present FIR, however, the tower locations of mobiles of the petitioners, which were detected at the place of occurrence at the relevant time, falsifies their above claim. Moreover, the record also makes revelations that, as per pictures and videos, the petitioners were armed with Kirpans. Consequently, though the names of the petitioners do not figure in the FIR, however, based upon such incriminating material as surfaced during the course of investigation, the petitioners were nominated as accused in the present FIR, through the drawing of a Rapat bearing No.33 dated 25.03.2023, and thereupon, they were arrested after being brought on production warrants, as they were already in custody in case FIR No.26



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dated 18.3.2023, under Sections 279, 186, 353, 506, 336, 427 of the IPC and Sections 25(2) & 27 of the Arms Act, registered at Police Station Khilchian.

9. It is also evident from a perusal of the record that in the violence perpetrated by the mobsters on the date of occurrence, many officials of Punjab Police, including senior officials upto the rank of Superintendent of Police and Deputy Superintendent of Police, had suffered injuries. To be precise, the record makes vivid display, that a Superintendent of Police had suffered injury on his head with sharp edged weapon, resulting in his receiving 14 stitches on his head.

10. 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.

11. 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 of even date.

12. The present incident has shocked the conscience of the entire nation, where an unlawful mob, including the present petitioners, 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 petitioners, consider themselves above the “Rule of Law” and throw challenge to the sovereignty and integrity of the



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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 disconcur with any act of government authority(ies) established under law.

13. 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 petitions 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 petitioners are enlarged on bail. 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.

14. Consequently, after declining the asked for relief of regular bail to the petitioners, the petitions are dismissed.

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

(KULDEEP TIWARI)
JUDGE

October 31, 2023
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Whether speaking/reasoned : **Yes/No**
Whether Reportable : **Yes/No**