



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

334

CRM-M-21245-2024
DATE OF DECISION: 18.03.2025

KULWANT SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail to the petitioner in F.I.R. No. 39, dated 24.02.2023, under Sections 307, 353, 186, 332, 333, 506(ii), 120-B, 427, 148, 149 I.P.C. (offence under Section 201 I.P.C. added later) and Section 25/27 of the Arms Act, 1959, registered at Police Station: Ajnala, District Amritsar.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'Chief Munshi, P.S., Ajnala. Today, S.I. S.H.O. including A.S.I. Agyapal Singh No. 902, A.S.I. Ratan Singh No. 63,. H.C. Satwant Singh No. 901, H.C. 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 A.S.I. Sukhdev Singh NO. 1212, in connection with law and order duty. Amritpal Singh S/O Tarsem Singh, resident of Jallapur Khaira who was nominated in Case No. 29 dated 16.02.2023 U/S 365, 379-B(2), 323, 506(ii), 148, 149 I.P.C., P.S. 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 honourable S.S.P. Sahib, Amritsar Rural. On 23.02.2023, around 02.00 p.m., the party of Amritpal Singh under his leadership reached Ajnala City in the form of a mob, this group was stopped near the Office of B.D.P.O., Ajnala in a peaceful manner by senior officers along with Amritpal Singh. Amritpal Singh and his companions included (2) Harjit Singh, Uncle Chacha, (3) Harmel Singh Jodhe, (4) Harwinder Singh Hundal @ Labh Singh, (5) Gurbhej Singh, Bathinda, (6) Gurpreet Singh, resident of Tarn Taran, (7) Papalpreet 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 Skingh, 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 Panjgari, 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 'Dangs, Kirpans, spears, Datar, and firearms attacked the Police Officers and officers on the spot under pre-planned conspiracy to kill them as a result of which (1) Mr. Jugraj Singh, S.P.-Inv., ASR-R, (2) A.S.I. 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/PB/ASR-R, (4) PHG JanakRaj 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. Vehicles, barricades were also vandalized by the companions of Amritpal Singh. Under his leadership, whole crowd defiantly forcibly entered the Ajnala Police Station while raising catcalls. They started challenging and threatening the Police and thereby deterred the Government officials and officers from discharging their duties. In regard to this, CCTV footages are available. The said Amritpal and his accomplices, under the conspiracy, committed serious offences 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 I.P.C. has been done by Mr. Jugraj Singh, S.P./Inv., ASR-R, who was injured and is still unfit to give a statement. CT. Sarabjit Singh No. 1882 is being sent to the Police Station. The number should be made aware of the case by registering the case. Special Report should be issued. Notification should be given at the Control Room. I, S.I./S.H.O. along with my employees are busy in the



investigation. Sd/- Jasjit Singh, S.I., S.H.O., Place: Chowk Ajnala at 09.05 P.M.'

3. **SUBMISSIONS**

ON BEHALF OF PETITIONER

Learned counsel for the petitioner has contended that the petitioner has been nominated as an accused in the present case on surmises and conjectures and only to rope maximum number of the persons in the present FIR. He further submits that the alleged occurrence took place on 23.02.2023 and petitioner was arrested only on 29.03.2023 from the jail premises on the issuance of production warrants.

ON BEHALF OF RESPONDENT-STATE

Learned State counsel has vehemently opposed the prayer made in the present petition stating that the petitioner along-with other co-accused has rightly been booked as he was part of the mob that tried to illegally get released one of the co accused from police station Ajnala. He has also produced the custody certificate which is taken on record as per which the petitioner has undergone 1 year 11 months and 16 days and challan stands presented and charges framed meaning thereby the trial is moving at good speed.

4. **ANALYSIS**

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the



Court must form a prima facie opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in the light of self-imposed restrictions and the broader legal parameters outlined.

This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "***Saumya Churasia versus Directorate of Enforcement, decided on 14.12.2023***", when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused's presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

Adverting to the merits of the present case wherein specific role has been attributed to the petitioner that he along-with other accomplices had gone to the Police Station Ajnala to get release the co-accused from the Jail in an illegal manner by disrupting the



public peace. Moreover, from the tower location gathered by the investigating agency, it can be culled out that he was very much present at the place of the alleged occurrence, therefore, *prima-facie* there are serious allegations against the petitioner and granting him bail at this stage may not be in the interest of justice, as he may try to hamper the trial proceedings. Further more the petitioner has not undergone the sufficient period of incarceration, marked by his involvement in one another case of similar nature. There is every likelihood of his re-offending.

Dismissed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

18.03.2025

anuradha

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*