



2023:PHHC:163599

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

105-2

CRM-M-60038-2023

Date of Decision : December 14, 2023

BHUPINDER SINGH @ SHERU**-Petitioner**

V/S

STATE OF PUNJAB**-Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. I.M. Khara, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

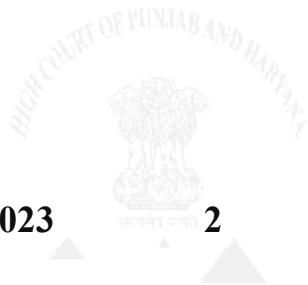
KULDEEP TIWARI, J.

1. The petitioner, who has been arraigned as an accused in the infamous “Ajnala Incident”, and, who is alleged to be an ally of the main accused Amritpal Singh, has sought the concession of his 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.

ALLEGATIONS IN THE FIR

2. The instant FIR, which encompasses the mode and manner of the infamous “Ajnala Incident”, has been registered on 24.02.2023, on the statement of S.I./S.H.O. Jasjeet Singh. Therefore, before penning down any opinion, as regards the relief(s) sought by the petitioner, 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



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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 Jallapur 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 Amrital 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) Gurbhje Singh Bathinda 6) 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



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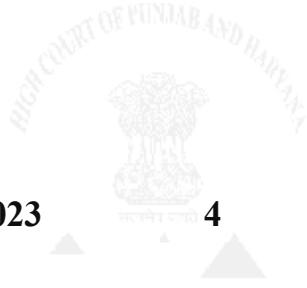
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and weapons attacked the police officers and officers on the spot under pre-planned conspiracy with lathis, kirpans, machetes and spears and assaulted 1) Mr. Jugraj Singh SP- Inv ASR-R 2) ASI Jatinder Singh No. 62/9/PAP son of Charat Singh Resident 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. 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..”

SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONER

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Petitioner has been falsely implicated in the instant case, as neither he has been named in the FIR, nor in the statement(s) recorded under Section 161 Cr.P.C., nor any role has been



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attributed to him, rather his name has surfaced subsequently in the disclosure statement of co-accused Gurpal Singh @ Gurlal Singh, which was suffered in a different FIR bearing No.26 dated 18.03.2023, registered at P.S. Khilchain;

(ii) There has been inordinate delay in registration of the instant 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.

(iii) The petitioner does not feature in any of the photographs and videos, as prepared at the instance of Punjab Police;

(iv) The case of the petitioner is fully covered within the plea of *alibi*;

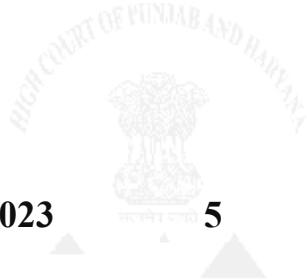
(v) Investigation stands completed, whereupon, the Final Report has also been presented against the petitioner, however, even the Final Report does not assign any specific incriminatory role to him;

(vi) Though a wooden stick is allegedly recovered from the petitioner, however, the same, being a tool for self defence available in every household, does not establish involvement of the petitioner in the alleged incident;

(vii) Petitioner has been behind the bars since past approx. 8 months, therefore, keeping the petitioner behinds the bars for indefinite period would serve no purpose.

SUBMISSIONS OF THE LEARNED STATE COUNSEL

4. Per contra, the learned State counsel, by placing on record a short reply, through affidavit of Riputapan Singh Sandhu, P.P.S., Deputy



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Superintendent of Police, Sub Division Ajnala, District Amritsar, has vociferously opposed the grant of bail to the petitioner on the hereinafter recorded grounds:-

- (i) The petitioner has criminal antecedents, as is apparent from the reply (supra), inasmuch as, his being involved in two other criminal cases;
- (ii) Though the petitioner has not been initially nominated as an accused in the FIR, however, his name surfaced during the course of investigation, which resulted in his being arrayed as an accused through recording a DDR No.45 dated 22.03.2023;
- (iii) The petitioner claims himself to be an ally of the main accused Amritpal Singh, who along with his accomplices, inclusive of the petitioner, by making inflammatory utterances aimed at misleading the youth of Punjab, had caused the “Ajnala Incident”. Moreover, they also justified the action of human-bomb like Dilawar Singh and resultantly assassination of a democratically elected Chief Minister;
- (iv) The culpability of the petitioner can be ascertained from the contents of the instant petition, wherein, in paragraph 8, which is reproduced hereinafter, the petitioner has justified the seizure of Police Station Ajnala by Amritpal Singh and his accomplices.

“.....However, visit of Bhai Amritpal Singh and his companions to Police Station, Ajnala, was justified as he had gone to the S.H.O. for reconsideration of the matter as Lovepreet Singh was arrested by the Police without there being any case against him warranting his arrest.....”

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(v) The culpability of the petitioner has been detailed in the reply (supra).

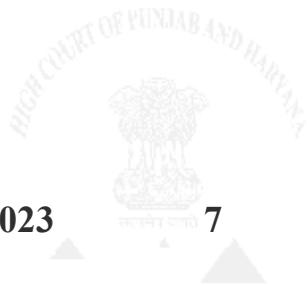
DETAILS OF INVESTIGATION AS WELL AS THE SEQUENCE LEADING TO THE INSTANT OCCURRENCE, AS DISCLOSED IN THE REPLY FILED BY THE RESPONDENT-STATE

(I) SUCCINCT FACTUAL MATRIX

5. One Amritpal Singh started an organization titled as “*Waris Punjab De*”. The deeds and actions of this organization, coupled with the intelligent inputs and other strong evidence, as collected by the agency(ies) concerned, clearly established that said Amritpal Singh, through his organization, was spreading hate, besides was creating an atmosphere against the State.

6. On 15.02.2023, one Varinder Singh son of Sukhdev Singh was abducted and assaulted by associates of said Amritpal Singh, as, on 07.02.2023, said Varinder Singh had uploaded a live-video on social media deprecating the illegal and immoral acts being committed by Amritpal Singh and his supporters. In retaliation to the criticism made by said Varinder Singh, on 15.02.2023, Amritpal Singh got him abducted. During the period, when said Varinder Singh remained kidnapped, he was assaulted by the kidnapers in a bid to discourage and dissuade him from speaking against Amritpal Singh and against his organization, i.e. “*Waris Punjab De*”, in any manner.

7. In respect of the aforesaid occurrence, FIR No.29 dated 16.02.2023 was registered at the instance of said Varinder Singh at Police Station Ajnala, District Amritsar (Rural), Punjab, for offences punishable under Sections 365, 379B(2), 323, 506, 148, 149 IPC 1860, against



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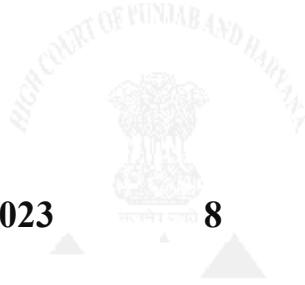
Amritpal Singh and his accomplices/other accused.

8. Consequently, on 18.02.2023, one of the accused in the FIR No.29 dated 16.02.2023, namely, Lovepreet Singh alias Toofan, was arrested by the police of Police Station Ajnala in connection with the abduction and assault of said Varinder Singh. On 19.02.2023, said Lovepreet Singh alias Toofan, who belongs to Amritpal Singh's coterie, was sent to Judicial Custody by the Ld. J.M.I.C. at Ajnala. However, upon arrest of said Lovepreet Singh alias Toofan, Amritpal Singh publicly declared that he and his supporters shall take all necessary steps to 'forcibly' get him released from custody.

9. Thereafter, an information was received that Amritpal had planned to storm the Police Station Ajnala, District Amritsar (Rural), Punjab alongwith his supporters and had announced that they may gherao/surround the Police Station Ajnala and will get the said Lovepreet alias Toofan released anyhow.

10. Accordingly, at around 02:00 PM on 23.02.2023, a mob, led by Amritpal Singh including Bhupinder Singh @ Sheru (Present Petitioner), marched towards the Police Station Ajnala in a bid to lay siege thereon. Notably, he and the said mob took refuge under "SRI PALKI SAHIB", which was most disrespectfully, made to move along with and as part of the said mob.

11. When the said mob reached the periphery of Police Station Ajnala, a serious clash took place between the mob and the police force deployed at the spot. On account of the august presence of "SRI PALKI SAHIB", the police force exercised utmost restraint, so as to ensure that no



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disrespect to “SRI PALKI SAHIB” ensued. However, in the bargain, several police personnel suffered serious and grievous injuries.

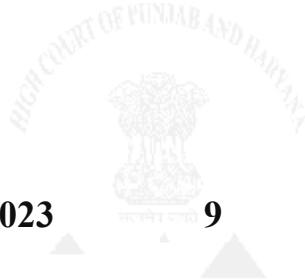
12. Eventually, thousands of persons, including Amritpal Singh, Gurmeet Singh and Bhupinder Singh @ Sheru (Present Petitioner), were able to storm their way into the premises of Police Station Ajnala brandishing their weapons including arms and ammunition. During this episode, the supporters, who were heavily armed, practically captured the Police Station Ajnala for a period of about 4 hours, in addition to having inflicted serious and near-fatal injuries to several police officers/personnel including head injury to a SP rank officer.

13. After the occurrence of this illegal, unlawful, prohibited act of Amritpal Singh and Bhupinder Singh @ Sheru (Present Petitioner) etc. against the State and its sovereignty, the present FIR was registered against Amritpal Singh and his associates including Bhupinder Singh @ Sheru (Present Petitioner).

(II) ROLE OF THE PRESENT PETITIONER

14. The present petitioner, upon his being informed by the main accused Amritpal Singh about his plan to encircle the Police Station Ajnala on 23.02.2023, arranged weapon(s) to be used in the said incident. Accordingly, on the fateful day, a mob led by the main accused Amritpal Singh, including the present petitioner, broke the barricading of the police and also inflicted injuries to police personnel with weapon(s). To be precise, the petitioner was, at the relevant time, armed with a wooden stick (Daang), with which he inflicted injuries to the police personnel.

(III) IDENTIFICATION OF THE PRESENT PETITIONER



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15. During identification parade, the present petitioner was duly identified by (i) S.I. Harpal Singh, Station House Officer, Police Station Gharinda, (ii) S.I. Satnam Singh, Station House Officer, Police Station Jandail, (iii) S.I. Harchand Singh, Crime Branch, Amritsar (Rural), who were present at the place of occurrence, at the relevant time.

16. Moreover, co-accused Ajaypal Singh, while making disclosure statement in another FIR No.26 dated 18.03.2023, registered at P.S. Khilchian, District Amritsar (Rural), admitted the factum qua Amritpal Singh along with his associates attacking the police personnel with weapon(s), who were present at the place of occurrence.

(IV) RECOVERY EFFECTED FROM THE PETITIONER

17. The wooden stick (Daang), as used by the petitioner in the present incident, was recovered by him from the side of the canal at Kukkadan Wala.

(V) CRIMINAL ANTECEDENTS OF THE PETITIONER

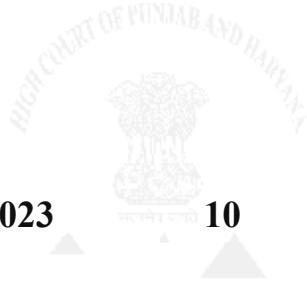
18. The petitioner has been arrayed as an accused in two other criminal cases, whose details are extracted hereinafter:-

(a) FIR No.26 dated 18.03.2023, under Sections 279, 186, 353, 506, 336, 427 of the IPC, and, Sections 25(2), 27, 29 of the Arms Act, registered at P.S. Khilchian, District Amritsar (Rural);

(b) FIR No.29 dated 16.02.2023, under Sections 365, 379B(2), 323, 506, 148, 149 of the IPC, registered at P.S. Ajnala, District Amritsar (Rural).

REASONS FOR DECLINING RELIEF OF BAIL TO PETITIONER

19. After perpetration of violence by mobsters in the horrifying



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“Ajnala Incident”, wherein, many officials of Punjab Police, including senior officials upto the rank of Superintendent of Police, had suffered injuries, a massive operation was conducted by Punjab Police, under the directions and guidance of the State Government as well as the Central Government, whereupon, the main accused Amritpal Singh, who is co-accused in the instant FIR, was arrested. Thereafter, provisions of the National Security Act were invoked, which resulted in some of the co-accused, including main accused Amritpal Singh, being shifted to Central Jail, Dibrugarh.

20. Insofar as the petitioner is concerned, his role has been elaborated in the reply furnished by the learned State counsel, which is discussed hereinabove too. There are categoric allegations against him that he along with co-accused broke the barricading of the police and also inflicted injuries to police personnel with weapon(s). Moreover, the petitioner was stated to be, at the relevant time, armed with a wooden stick (Daang), which was recovered by him.

21. Though the petitioner has raised the plea of *alibi*, however, the same cannot be appreciated at this stage, as during the course of investigation, the culpability of the petitioner got further strengthened through his identification being established by various police officials, as described hereinabove.

22. What further erodes the case of the petitioner is his criminal antecedents, inasmuch as, his being involved in two more criminal cases, details whereof are extracted hereinabove.

23. It would be worth to record here that some of the co-accused,

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namely, Jagdish Singh and Parshotam Singh, had also approached this Court through respectively filing CRM-M-36305-2023 and CRM-M-36361-2023, thereby seeking the concession of regular bail, however, the said petitions have also been dismissed vide order dated 31.10.2023. The relevant observations, as recorded in the said declining order, are extracted hereinafter:-

“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 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.”

24. Furthermore, some other co-accused, namely, Sukhpreet Singh

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@ 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.

FINAL ORDER

25. On the strength of an unholy mob, no citizen of this country can be allowed to either interfere in the administration of justice, or, to cause injury(ies) to public authority(ies), while them being discharging their public duty(es). At this stage, this Court refrains from evincing any opinion as regards the veracity of the allegations, and/or, evidentiary worth of the evidence collected by the investigating agency, leaving the same to be appreciated by the trial Court, at an appropriate stage. However, considering the gravity of the offences, this Court is not inclined to release the petitioner on regular bail, merely because he has suffered incarceration of eight months. Consequently, the instant petition is **dismissed**. However, a direction is issued to the investigating agency to make all efforts to complete the investigation, qua other co-accused, most expeditiously, for thereby enabling the learned trial Court to conclude the trial, as early as possible.

26. It is clarified that the observation(s) (supra) is only for deciding the instant petition and anything expressed hereinabove shall not be construed to have any bearing on the outcome of the final trial.

December 14, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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