

IN THE COURT OF SH. KARUNESH KUMAR
SPECIAL JUDGE, NIA, PUNJAB, S.A.S.NAGAR (MOHALI).

CIS No. BA-1970-2021.

CNR No.PBSA010067862021.

Date of Order: 06.09.2021.

Harcharan Singh Age about 40 years s/o Manmohan Singh R/o House No.
74/75, Shiv Ram Park, Extension-II, Nilothei Mor, Nangloi, PS Nihal
Vihar, Delhi West, Delhi.

versus

NIA

In case: NIA versus Kulwinderjit Singh

Khanpuria & others, SC-245 of 2019.

RC 14 of 2019/NIA/DLI

FIR No: 05 Dated 30.05.2019

Under Sections: 120-B, 121, 121 A, 122, 123

IPC, Sections 3 & 25 of Arms Act, Sections: 3, 4

& 5 of Explosive Substances Act, Sections 17,

18, 18 B, 20, 38 & 39 of UAP Act.

Police Station: SSOC, Amritsar.

Application for bail under Section 437 Cr.P.C.

Present: Sh. Jaspal Singh Manjhpur, Advocate counsel for applicant
Harcharan Singh.

Sh. Urfi Masood Syed, Special Public Prosecutor for NIA.

(Karunesh Kumar)
Special Judge, NIA, Punjab,
SAS Nagar(Mohali)
(UID No.PB0082)

ORDER:

The present bail application has been filed by the applicant/accused Harcharan Singh for grant of bail under Section 437 Cr.P.C.

2. In brief, the facts of the case are that Ravinderpal Singh (A-2), Jagdev Singh (A-3) and Harcharan Singh (A-4) were in contact with Kulwinderjit Singh @ Khanpuria (A-1) who belong to proscribed organizations like Babbar Khalsa International (BKI) and has contact with other Khalistani terrorist organizations like Khalistan Zindabad Force (KZF) and their functionaries based in Pakistan. Kulwinderjit Singh @ Khanpuria (A-1) recruited Ravinderpal Singh (A-2), Jagdev Singh (A-3) and Harcharan Singh (A-4) with a view to initiate a series of terrorist attacks in the territory of India to revive the Khalistani wave of terrorism with an ultimate objective of establishing an independent Khalistan state. Their intention was to wage war against the Union of India and for this purpose, they collect funds, arms and ammunition and conducted reece of significant targets as a prelude to preparation for mounting terrorist attacks. Accordingly a case was registered by SSOC, Amritsar vide FIR No. 05/2019 dated 30.05.2019 under Section 25 of Arms Act, Sections 17, 18, 18 B & 20 of UA (P) Act, 1967 and Sections 3, 4 & 5 of Explosive Substance Act against the above said four persons. Subsequent to registration of above mentioned FIR, the Ministry of Home Affairs, Government of India vide its Order F. No. 11011/32/2019/NIA/CTCR

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Division dated 26.06.2019 directed the NIA to take up the investigation of the case FIR No. 05/2019 dated 30.05.2019 of Police Station State Special Operation Cell (SSOC), Amritsar as per the provision of Sub-section (4) of Section 6 read with Section 8 of the National Investigation Agency Act, 2008. Upon receipt and in compliance of the above mentioned order, the National Investigation Agency, New Delhi Police Station re registered a case as RC-14/2019/NIA/DLI under Section 25 of the Arms Act, Sections 17, 18, 18 B & 20 of the Unlawful Activities (Prevention) Act, 1967 & Sections 3, 4 & 5 of the Explosives Substances Act, 1908 against Kulwinderjit Singh @ Khanpuria (A-1), Ravinderpal Singh (A-2), Jagdev Singh (A-3) and Harcharan Singh (A-4). During the course of investigation, the accused Harcharan Singh (A-4) was arrested.

3. Sh. Jaspal Singh Manjhpur Advocate appearing on behalf of applicant/accused Harcharan Singh has submitted that the applicant has been falsely implicated in the present case. Nothing incriminating has recovered from the applicant in this case. The report under Section 173 Cr.P.C has already been submitted by the NIA, so there is no chance to tamper or hamper with the prosecution evidence or witnesses. He has further submitted that the case against the applicant is only on the basis of a disclosure statement recorded during police remand under Section 25 of the Indian Evidence Act which is not admissible as evidence in the Court. He has further submitted that the trial is still at the initial stage and charge has been framed on 17.03.2020 and prosecution would take a long time

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for the conclusion of the trial. He has further submitted that out of the total 59 witnesses, only 9 prosecution witnesses have been examined. No useful purpose is going to be served by keeping the applicant/accused in the Jail for indefinite period. The applicant is not previous convict and the applicant undertakes to abide by all the terms and conditions of bail imposed by the Court, if in case, the applicant is released on bail and lastly a prayer has been made to allow the present bail application.

4. Whereas, on the other hand, Sh. Urfi Masood Syed, learned Public Prosecutor appearing on behalf of the NIA has submitted that the bail application filed by the applicant/accused Harcharan Singh is not maintainable and is liable to be dismissed in view of Section 43 (D) (5) of UA (P) Act, 1967. He has further submitted that during the course of investigation, the accused persons including the present applicant/accused Harcharan Singh were arrested due to their involvement in the larger conspiracy. They conspired with main accused namely Kulwinderjit Singh @ Khanpuria a member of Babbar Khalsa International (BKI) a proscribed terrorist organization. The accused persons conducted recce of the prominent places in Punjab, mobilized fund and fire arms from one place to another place on different occasions to wage war against the Government of India. The learned Public Prosecutor has further submitted that the applicant/accused Harcharan Singh played a vital & active role in the entire conspiracy with intention to assist prime accused Kulwinderjit Singh @ Khanpuria (A-1). He upon directions from the accused

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Kulwinderjit Singh @ Khanpuria (A-1) provided weapon (pistol) to accused Jagdev Singh (A-3) & Ravinderpal Singh (A-2). The learned Public Prosecutor further submitted that investigation has substantiated that Harcharan Singh (A-4) is a noted bad character and has been involved in the criminal cases earlier. The learned Public Prosecutor further submitted that there is ample evidence on record to prove the guilt of the accused persons in the instant case and the charges have also been framed against all the arrested accused persons including Harcharan Singh (present applicant). Learned Public Prosecutor further gave the details of cases registered against the accused which is as under:-

- I. FIR No. 0011/2009 under Sections: 363, 302, 201, 120-B, 34 IPC, Police Station Dwarka North, District Dwarka, New Delhi.
- II. FIR No: 0217/2012 under Section: 379 IPC.
- III. FIR No: 0235/2014, Police Station Desh Bandhu Gupta Road, New Delhi, under Sections: 394, 395, 397, 412, 120-B IPC.
- IV. FIR No: 0272/2014, Police Station Maurya Enclave, under Sections: 395, 397, 412, 120-B, 34 IPC.
- V. FIR No. 0049/2015 under Sections: 186, 353, 307, 34 IPC, Sections: 25, 27 of the Arms Act & Sections: 3, 4 & 5 of the Explosive Substances Act.

The learned Public Prosecutor has further submitted that further investigation is continuing and some accused are absconding and yet to be arrested. As such, custody of the applicant/accused is essential

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and lastly a prayer has been made to dismiss the present bail application.

5. After having considered the submissions raised by the learned counsel for applicant Harcharan Singh as well as learned Public Prosecutor for the NIA and after having gone through the record carefully, it is found that the present application deserves to be dismissed. Record reveals that initially an FIR No. 05/2019 dated 30.05.2019 under Section 25 of Arms Act, Sections 17, 18, 18 B & 20 of UA (P) Act, 1967 and Sections 3, 4 & 5 of Explosive Substance Act was registered by SSOC, Amritsar and thereafter as per the Government of India, Ministry of Home Affairs, New Delhi order No. 11011/32/2019/NIA/CTCR Division dated 26.06.2019, NIA took over the investigation of the case and re registered it as case No. RC-14/2019/NIA/DLI dated 27.06.2019 at the Police Station NIA, Delhi. Record further reveals that the present applicant/accused was arrested on 03.06.2019. It is the case of prosecution that the applicant/accused Harcharan Singh played a vital & active role in the entire conspiracy with intention to assist prime accused Kulwinderjit Singh @ Khanpuria (A-1). He (Harcharan Singh applicant) upon directions from the accused Kulwinderjit Singh @ Khanpuria (A-1) provided weapon (pistol) to accused Jagdev Singh (A-3) & Ravinderpal Singh (A-2) which was later seized by Punjab Police & this pistol was to be used for prime aim/motive of the conspiracy i.e. to target the leaders of specific community in Punjab. As per the available record, several other FIRs have also been registered against the applicant/accused Harcharan

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Singh. Thus from the perusal of the record, this Court is of the considered opinion that there is reasonable grounds for believing that the accusation against the accused/applicant is prima facie true. Keeping in view of the gravity & nature of the offence involved in the present case, this Court is not inclined to grant the concession of bail to the accused/applicant Harcharan Singh and as such, the present bail application stands dismissed. Papers be attached with the main file.

PRONOUNCED IN OPEN COURT

ON: 06.09.2021.

**(KARUNESH KUMAR)
SPECIAL JUDGE, NIA, PUNJAB
SAS NAGAR (MOHALI).
(UID NO.PB0082)**

**SHIV PARTAP,
STENOGRAPHER GRADE-1/
JUDGMENT WRITER (SENIOR GRADE).**

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Harcharan Singh versus NIA.

Present: Sh. Jaspal Singh Manjhpur, Advocate counsel for applicant
Harcharan Singh.

Sh. Urfi Masood Syed, Special Public Prosecutor for NIA.

Arguments on the present bail application heard. Vide my
separate detailed order of even date, the present bail application stands
disposed of, as detailed therein. Papers be attached with the main file.

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