

CBI Vs. Mahinderpal @ Bittu & Others.

Present: Ms. Lisa Grover, learned PP for the CBI along with Sh. P. Chakraborty, Additional SP, CBI, New Delhi, Investigating Officer.

Accused Shakti Singh and Sukhjinder Singh on bail with Sh. Samandeep Singh Advocate.

Sh. CS Bawa, Advocate for complainant Gora Singh.

None for complainant Ranjeet Singh.

Sh. S.S Kaler, Sh. Damanbir Singh Sobti, Sh. Harmohan Singh Paul, Sh. Arshdeep Singh Kler, Sh. Harneet Singh Dhanoa, Sh. Ish Partap Singh and Sh. Girmir Singh Sandhu, Advocates for complainant Kulwinder Singh.

File taken up today, as this case was initially fixed for 23.07.2019 for hearing, but on 23.07.2019 it was declared as Holiday by the Hon'ble Punjab & Haryana High Court, Chandigarh, vide Notification No.146 Genl.XVII.3(6-G), dated 22.08.2019 on account of "Janam Ashtami".

Both the accused namely Sukhjinder Singh and Shakti Singh has appeared and their presence has been marked. Sh. C.S Bawa, Advocate, has appeared and has filed power of attorney on behalf of complainant Sh. Gora Singh.

An application on behalf of the complainant namely Kulwinder Singh under Section 91 Cr.P.C has been filed for supplying the confessional statement of accused Mahinderpal @ Bittu (since expired) recorded u/s 164 Cr.P.C and the statements of all other persons recorded u/s 164 Cr.P.C and also the copy of the letter issued by the Directorate of Punjab Police to CBI through Sh. Parmod Kumar, Director, having Memo No.3155/Criminal dated 29.07.2019. Copy supplied. The learned counsel for complainant has argued that the CBI has mentioned about these documents in the Closure Report, but the copies of the said documents have not been made part and parcel of the Closure Report for the reasons best known to the CBI. The complainant being the most aggrieved party is

in urgent need of the same, so that the proper protest petition may be drafted and may be filed by the complainant in this case.

Another application has been filed by the CBI through Sh. P. Chakarborty, Additional SP, SC-III, CBI, New Delhi, being the Chief Investigating Officer of this case, with a prayer to keep the proceedings of these closure reports in abeyance as after filing these closure reports, the Special DGP-cum-Director, Bureau of Investigation Punjab, vide letter bearing No.3155/Crime/Inv.2 dated 29.07.2019 has given certain new information/facts and the same needs to be investigated afresh. Copy supplied. Now the case is adjourned for 04.09.2019 for filing the reply by the complainant to the above stated application filed by the CBI as well as for filing the reply by the CBI to the above stated application filed by the complainant Kulwinder Singh and also for consideration on both these applications.

(G.S. Sekhon)
Special Judicial Magistrate, CBI
Punjab, Mohali
(UID: PB-0287)

Date of Order: 26.08.2019
(*Bhupinder Singh*)
Stenographer.

Present: Sh. Harbans Singh Jalal, President Anti Corruption Party,
Punjab, Resident of village Jalal, District Bathinda, Punjab.
Ms. Lisa Grover, Learned PP for the CBI.

At this stage, the file pertains to the joint closure reports of Bargari Sacrilege Cases titled as “CBI Vs. Mahinderpal Singh @ Bittu & others” has been taken up again, as Sh. Harbans Singh Jalal, has appeared in this case and filed an application (Contains 12 pages) for seeking permission to file the protest petition under Section 190(1C) R/W 302, 372 Cr.P.C. The learned PP for the CBI was present in the Court in some other case, so her presence has also been marked and the copy of the said

application has been supplied to the learned PP for the CBI. The Court asked the applicant Sh. Harbans Singh that he has come late as the case has already been adjourned by this Court and the learned counsels for all the parties along with their respective parties had already left the Court premises. On this, Sh. Harbans Singh has tendered unconditional apology to come late to the Court by stating the fact that he is an old person and came from Bathinda, that's why he appeared a little bit late in this case. The applicant has stated/requested the Court, that he wants to file an application for seeking permission to file protest petition in this case by him independently as he is an Ex-MLA of Akali Dal (Badal) in Vidhan Sabha and now he has left the politics and presently he is a Journalist. He has further submitted that he was the main witness before Hon'ble Justice Ranjit Singh (Retired) Commission, but at this stage, he found that the cases pertaining to Sacrilege of Shri Guru Granth Sahib has been intentionally weakened due to political motives, so, the applicant wants to assist this Court and wants to place on file the real facts and circumstances of these cases, so that the Court may be able to reach on the right conclusion.

At this stage, the Court has directed the applicant to not to argue on his application as the parties and their respective learned counsels have already left the Court room after adjournment and in their absence, the Court cannot hear the submissions on his application and has made the applicant clear that in the absence of the parties, his application can only be placed on the file and the further proceedings may only be proceeded on the next date of hearing and in presence of all the parties.

The Court has made specific query to the applicant Sh. Harbans Singh Jalal qua his locus standi in this case. On this, he has submitted that he will argue on his locus standi on the next date of hearing.

Hence, the application of the applicant is only ordered to be placed on the file and the case is adjourned to the date already fixed i.e. **04.09.2019** for the purpose already fixed and for further proceedings on the application filed by the applicant Sh. Harbans Singh Jalal.

(G.S. Sekhon)
Special Judicial Magistrate, CBI
Punjab, Mohali
(UID: PB-0287)

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