

**BEFORE JUSTICE RANJIT SINGH, CHAIRMAN,  
COMMISSION OF INQUIRY TO INQUIRE INTO THE  
INCIDENTS OF SACRILEGE OF SRI GURU GRANTH SAHIB  
JI, SRIMAD BHAGWAD GITA AND HOLY QURAN SHARIF  
IN THE STATE OF PUNJAB**

# **FINAL REPORT**

## **PART I**

**INCIDENTS OF SACRILEGE AT VILLAGE BURJ JAWAHARSINGH  
WALA, BARGARI, GURSAR, MALLKE AND INCIDENTS OF  
POLICE FIRING AT KOTKAPURA AND BEHBAL KALAN.**

**SUBMITTED ON: JUNE<sup>10</sup>,2018**

**COMMISSION OF INQUIRY TO INQUIRE INTO INCIDENTS OF CASES OF SACRILEGE OF SRI GURU GRANTH SAHIB JI, SRIMAD BHAGWAD GITA AND HOLY QURAN SHARIF IN THE STATE OF PUNJAB**

PREFACE

Vide notification no. 7/213/2013-3H4/1415, dated 14<sup>th</sup> April, 2017, Government of Punjab has constituted one Commission under the Commission of Inquiry Act, 1952 headed by retired judge of High Court to conduct an enquiry into the cases of sacrilege of Sri Guru Granth Sahib Ji, Srimad Bhagwad Gita and Holy Quran Sharif in the State. Besides the Commission has been also tasked to enquire into the incidents of firing in Kotkapura (District Faridkot) on 14.10.2015 and another incident of firing at village Behbal Kalan, (District Faridkot) on the same day in which two persons had died.

The present Government had constituted this Commission when it found that earlier Commission constituted by the previous Government had left the main question unanswered.

The incidents of sacrilege continued to take place unabated and the count of these had touched 122 (actually found 157) by March, 2017. The present Commission was thus asked to inquire into all these incidents as well.

While conducting inquiry, the Commission has followed procedure strictly in accordance with the provisions of Commission of Inquiry Act, 1952. Before commencing the inquiry, the Commission had formed regulations governing the procedure to be followed during inquiry. Copy of the regulations was ordered to be displayed in the office of Commission. Notices were issued to all who were in the know of facts and examined as witnesses requiring them to file their affidavits. Wherever considered necessary, the witnesses filing affidavit or who had appeared to make statements were questioned in detail by the Commission to get at the truth. Full opportunity of hearing was afforded to every witness who was likely to be prejudicially affected by the outcome of the inquiry by serving them notices as per Section 8-B of the Act, upon examination of their affidavits or evidence. Any person desirous of being represented by a Counsel was permitted to bring his Counsel before the Commission.

Since these unprecedented incidents of sacrilege had their beginning from District Faridkot where unwarranted action by police led to deaths of two persons and injuries to some others, the Commission thought it appropriate to commence its inquiry by first inquiring into these incidents of sacrilege in District Faridkot and some other such incidents in adjoining Districts which appeared to be connected as chain with the incident in District Faridkot which were committed in a well organised manner. Death of two persons and injuries to some other during unprovoked and unwarranted police firing at Behbal Kalan and Kotkapura had left deep scars and resentment with the public at large. This was more so when no action followed even to identify the police officials responsible for the same despite constituting various SITs and constituting one Commission by the then Government. The Commission, therefore, had decided to first inquire into this police action at Kotkapura and at village Behbal Kalan besides, inquiry into the incidents of sacrilege leading to police action before taking up inquiry into other incidents of sacrilege in the State.

The Headquarter police had reported that there were 122 incidents of sacrilege in the State till March, 2017. The details and number of the incidents of sacrilege of different holy Granths of different religion are as under: -

Sri Guru Granth Sahib Ji	30
Gurudwara Sahib	08
Gutka Sahib	56
Hindu	22
Muslim	05
Christian	01
<b>Total</b>	<b>122</b>

On scrutiny, Commission found that in fact there were 157 incidents of sacrilege in the State. 12 incidents out of these were reported after March, 2017 during the tenure of present Government. The Government has required the Commission to inquire into these incidents as well. The Commission has conducted inquiry by visiting the sites of incidents in various Districts of the State where such

incidents of sacrilege had happened. Statements of witnesses were also recorded during such visits to the sites of incidents.

As per the report submitted by the police 60 cases of incidents of sacrilege, out of total 122 had been traced while remaining had remained untraced. During the course of inquiry, the Commission has noticed that some more incidents were found traced and some of these incidents did not appear to be actually revealing any sacrilege. The Commission has found that out of total 157 incident of sacrilege 95 cases have been traced. In number of untraced cases, the police had either prepared or had filed untraced reports in the Courts. In some cases, the untraced reports had been accepted also. In a few cases, the trial was in progress whereas in a few cases accused stood convicted and sentenced. Some cases had also ended In acquittal after trial. Details are given in this Preface.

In number of cases, the police was found to be lacking in conducting thorough investigation and the Commission has expressed itself so wherever it was so felt. The Commission feels that in some cases, the police should carry out further investigation and the police was accordingly asked to do so. Wherever the Commission had felt the need to share its concern with the head of District Police, they were called and even examined as well. The Commission has recommended appropriate action against the police officials found wanting in not conducting the investigation of the cases properly.

The Commission has prepared, its report in four parts as per the following details: -

- Part-1 : Incidents of sacrileges at village Burj Jawahar Singh Wala, Bargari, Gurusar, Mallke and incidents of Police Firing at Kotkapura and Behbal Kalan
- Part-II : S.A.S. Nagar, Fatehgarh Sahib, Roopnagar, Patiala

Part-III : Shaheed Bhagat Singh Nagar and Hoshiarpur  
Part-IV : Ludhiana, Barnala, Jalandhar, Fazilka, Sri Muktsar  
Sahib, Mansa, Gurdaspur, Faridkot, Ferozepur,  
Moga, Amritsar, Kapurthala, Sangrur, Tarn Taran,  
Bathinda

Thus the Commission has prepared its Final Report pertaining to incidents of sacrilege in the State in different parts. As noted above, Part-1 of the report contains final report regarding incidents of sacrilege at villages Burj Jawahar Singh Wale, Bargari, Gurusar, Mallke and regards action of police in opening firing at Kotkapura and at Behbal Kalan-leading to deaths of two persons and injuries to some others.

The Commission has also thought it appropriate to briefly commence with comment about traced and untraced cases in each District of the State followed by discussing such incidents in details. Though incidents of sacrilege in different Districts are clubbed in different parts of the report (as noted above) but each incident in every district has been discussed separately in respective parts of the report.

District-wise position of the cases of sacrilege at the time of submission of the report is as under: -

District	Number of cases reported	Number traced "	Number untraced	Number of conviction/ acquittal	Number under trial	Number under investigation	Untraced report		Cancellation report	
							Accepted	Sent to Govt, for sanction/ pending in the Court.	Accepted	Pending
i	2	3	4	5	6	7	8	9	10	ii
Amritsar	18	13	5	4	6	2	1	3	i	i
Bathinda	11	1	10		1	5		5		
Barnala	4	1	3	1		1		2		
Fatehgarh Sahib	5	3	2	1	1			2	i	
Faridkot	6	2	4	1		4		1		
Fazilka	4	4			2			2		
Ferozepur	4	3	1	1	1		1		i	
Gurdaspur	6	2	4	1	1		1	2	i	

Hoshiarpur	5	3	2		1	2		2		
Jalandhar	16	14	2	3	6	2				5
Kapurthala	6	5	1		3			1		2
Ludhiana	20	13	7	4	5	2		8		1
Mansa	5	1	4	1		2	1	1		
Moga	9	5	4	1	3	1		3		1
Patiala	3	2	1		2	1				
Roopnagar	3	3			3				*	
Sangrur	8	7	1	1	5			1	*	1
SAS Nagar (Mohali)	4	2	2		2				i	1
SBS Nagar	5	3	2		2	3				
Sri Muktsar Sahib	4	2	2		1			1	2	
Tarn Taran	11	6	5	2	3	4		2		...
Total	157	95	62	21	48	29	4	36	7	12

Despite best efforts on part of the Commission, SGPC has adamantly refused to cooperate and did not make any suggestion for taking steps to check and stop such incidents of sacrilege. The Commission has taken upon itself to suggest some measures which need to be taken to check and stop such incidents of sacrilege in future. These recommendations will be attached separately while submitting the last final report.

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**BEFORE JUSTICE RANJIT SINGH, CHAIRMAN, COMMISSION OF INQUIRY TO INQUIRE INTO  
THE INCIDENTS OF SACRILEGE IN THE STATE OF PUNJAB.**

**INTRODUCTION**

Faced with unrest due to some serious incidents of sacrilege in district Faridkot and the consequent police action where two persons lost their lives, the then Punjab Government vide its notification NO.7/213/2013-3H4/611561/2 dated 16<sup>th</sup> October, 2015 had constituted a Commission headed by retired Judge of the High Court, Justice Jora Singh, with following terms of reference:

To inquire into

- i) the sacrilege of *Shri Guru Granth Sahib Ji* in district Faridkot;
- ii) the incident of firing that occurred at Kotkapura chowk on 14.10.2015; and
- iii) the incident of firing in village Behbal Kalan, District Faridkot, which led death of two persons on 14.10.2015.

The said Commission submitted its report on 30.06.2016. Being dissatisfied with Justice Jora Singh (Retd.) Commission's Report, which according to the present State Government had left main questions unanswered and further to seek inquiry into cases of sacrilege of religious granths in the State, Government of Punjab vide notification no. 7/213/2013-3H4/1415 dated 14<sup>th</sup> April, 2017 has constituted a fresh Commission under Commission of Inquiry Act, 1952 headed by the undersigned with the following terms of reference:-

- a) Conduct an enquiry into the cases of sacrilege of *Sri Guru Granth Sahib Ji, Srimad Bhagwad Gita and Holy Quran Sharif,*
- b) enquire into the detailed facts and circumstance and chronology of events of what actually happened and to identify as a matter of fact the role played by various persons into what happened.
- c) enquire into the truth of what occurred in such incidents and factual role of the persons who may have been involved;
- d) enquire into the firing in Kotkapura on 14.10.2015 and village Behbal Kalan,

- district Faridkot, in which two persons died; and
- e) identify and enquire into the role of the Police officers/officials in incomplete/inconclusive investigations into the earlier incidents of sacrileges so far.

The present Commission has, thus, conducted inquiry in terms of reference noted above.

### **BACKGROUND**

Serious cases of sacrilege of *Sri Guru Granth Sahib Ji* happened in two villages of Faridkot District between June and October 2015. In one such incident *ANGS of Sri Guru Granth Sahib Ji* were scattered in village Bargari district Faridkot. When the police was not able to trace the culprits of this sacrilege incident, public came out to protest and sat on dharna at Kotkapura. The situation got aggravated due to police action at Kotkapura followed by action at village Behbal Kalan, District Faridkot where two persons died in police firing. While the State was struggling to control the situation, another incident of sacrilege happened on 20.10.2015 at Gursar District Bathinda and then On 4.11.2015 at Malke, District Moga which are in close vicinity of villages Bargari and Burj Jawahar Singh Wala district Faridkot. Despite constituting a few SITs and transfer of three cases to CBI for investigation success has eluded the investigation agencies. Commission headed by retired High Court Judge also proved to be of not much help. As per the present Government this Commission has not completed its task. In the meantime incidents of sacrilege have continued to take place and count had reached 122 till March, 2016. As already noticed in the preface, there have been 30 cases of sacrilege of *Sri Guru Granth Sahib*, 56 cases of sacrilege of *Sri Gutka Sahib*, 8 cases of sacrilege of *Gurdwara Sahib*, 22 cases of sacrilege of *Srimad Bhagwat Gita* and 5 cases of sacrilege of *holy Quran* and one case of sacrilege of Church in the State. 12 incidents have been reported after March, 2017. After taking over the reins of State, the present Government has constituted the present Commission not only to complete the incomplete inquiries held earlier but also to inquire into all the incidents of

sacrileges of various religious Granths as noted above in the State with the terms of reference as already noted.

Since the incidents of sacrilege have their origin in District Faridkot where two persons also died and some other received injuries during police action, the public at large in the State had felt highly agitated and are keen for action against those police persons who were responsible for use of force at these places. Besides, the public is rather concerned about the incident of sacrilege and are also keenly expecting from the Government to trace those responsible for sacrilege so that the culprits are booked and brought before law.

The Commission, therefore, had, first decided to take up of inquiries into these incidents-of sacrilege In district Faridkot and jncident connected with these so as to trace the person or organisation, if any, responsible for the incidents. Besides the Commission would also determine the role of police regarding the action taken in district Faridkot before taking up inquiry into other incidents which have happened in the State.

The Commission has, thus, prepared Part I of the report pertaining to the incidents of sacrilege at Burj Jawahar Singh Wala, Bargari, Malke and Gursar and also regarding the police action at Kotkapura and at village Behbal Kalan. Flaving finalised the inquiry regarding the above aspect the Commission has taken inquiries in regard to other incidents of sacrilege in the State.

#### **SUM UP OF INCIDENTS IN DISTRICT FARIDKOT IN BRIEF.**

Within a period of about six months, starting from June 1, 2015, very serious incident of sacrilege of *Sri Guru Granth Sahib Ji* happened in three or four villages located in close vicinity in the Districts of Faridkot, Moga and Bhatinda. Anger and resentment was bound to engulf *Sikh Sangat* in the State and indeed it so happened. The problem got further aggravated when the police took unjustified action against the public sitting on peaceful *Dharna* to protest against the incident of sacrilege at Kotkapura and at Behbal Kalan District Faridkot on 14<sup>th</sup> October, 2015.

Soon after the happening at Kotkapura, the police force was despatched to village Behbal Kalan, District Faridkot to deal with *Dharna* where police opened fire

leading to death of two innocent persons besides bullet injuries to three to four other individuals. This mishandling of situation, despite the presence of huge posse of police force, led by very senior officers holding the ranks of Inspector General included Deputy Inspector General, SSP and score of other rank officers, shook the entire Sikh community sending wave of resentment against the police and the Government.

Instead of identifying the police officers responsible for this unjustified action, the police shockingly registered FIRs against the public for what had happened at Kotkapura and village Behbal Kalan. This initial triumphic attitude shown by the police soon turned into an exercise of looking for covers when the entire State came to a stand-still. One SSP rank officer, who led the police force at Behbal Kalan, was placed - under suspension on 17<sup>th</sup> October, 2015. Soon thereafter on 24.10.2015, an order of changing the DGP followed. This proved to be of no solace for the public at large who felt extremely hurt and agitated because of the incident of sacrilege and also due to the brutal action of the police in killing and injuring persons of public. The things took a turn for worse when the Government failed to take necessary action against the police officials responsible for this brutal action and also failing to trace the incidents of these sacrilege.

### **DETAILS OF INCIDENTS OF SACRILEGE**

#### **FIRST INCIDENT OF SACRILEGE AT BURJ JAWARHARSINGH WALA**

On first of June, 2015, an incident of an unprecedented nature happened in a nondescript village Burj Jawahar Singh Wala of District Faridkot. Someone came to village Gurdwara during hot afternoon on that day at about 1 p.m. and took away pious SAROOP of *SHRI GURUGRANTH SAHIB JI* from unattended *Gurdwara* of the village. This was something which was unimaginable, unthinkable and unexpected. One can say without fear of contradiction that such incident may not have happened even during Mughal Rule when there was price over the heads of Sikhs. This incident ought to have sent alarm for everyone in the highest echelon of the Government. But this does not seem to have happened so. The obvious motive behind this incident was to hurt the

religious feelings and sentiments of Sikhs. Indeed this incident did have this affect. It was certainly not a routine crime to be dealt with in routine manner.

#### **HOW THIS INCIDENT CAME TO LIGHT**

Children, who used to come to the *Gurdwara* for lessons in *Gurbani*, were the first one to notice that the pious *SAROOP of Sri Guru Granth Sahib Ji* had gone missing from the *Gurdwara*. *Granthi of the Gurdwara*, Gora Singh (CW-99) with his family had an abode inside the *Gurdwara*. Children (including that of *Granthi*) reported to the wife of *Granthi* Smt. Swaranjit Kaur (CW-129), who was present in room in the premises of *Gurdwara*. She took ride on Motorcycle passing in front of *Gurdwara* to reach her *Granthi* husband (CW-99) doing a '*Path*' in a house in the village. CW-99 claims to have reached *Gurdwara* promptly to find that the pious *SAROOP* had gone missing from the *Gurdwara* hall. CW-99 made announcement from the *Gurdwara* and soon the people of village gathered at village *Gurdwara*. Mr. Ranjit Singh (CW-130), President of the *Gurdwara* Committee of the village stately informed the police at Police Station, Baja Khanna, SHO Jasbir Singh (CW-248) and Sh. Sukhdev Singh DSP Jaitd (CW- 59) stately reached the village. The police still did not register the case on the day of incident and did it on June 2, 2015 only when FIR No.63 was registered at Police Station, Baja Khanna. SSP Charanjit Sharma (CW-83), whose name is going to figure prominently in this entire report, at that time was SSP, Faridkot. Sh. Amar Singh Chahal (CW-76) DIG, Ferozepur range had also reached the village on June 2, 2015. Every police officer concerned claims to have done his maximum to trace the incident but without any success. The Commission would analyse if this maximum was sufficient and on right lines or not.

Let us get back to narration.

Finding no clue and investigation leading nowhere, SSP Faridkot (CW-83) on June 04, 2015 constituted a Special Investigation Team (SIT) headed by S.P. (D) Faridkot with DSP Jaito as member. This SIT, however, did not carry out any different task as was being done in routine. Till this time IG Bhatinda range Shri Paramraj Singh Umranangal (C-95) was not visible on the scene. He suddenly became active when he constituted

another SIT on 10<sup>th</sup> June, 2015. This SIT was headed by Charanjit Sharma (CW-83) with Amarjit Singh (CW-166) SP (D) Ferozepur, Shri Gurjit Ramana, DSP Rampura Phul, Sh. Baljit Singh (CW-64) DSP Kotkapura and Inspector Lakhwinder Singh (CW-82) as members. This would make the SSP (CW-83) responsible for investigation directly and not leave him with role as supervisory officer. Less said is better so far role of this SIT is concerned. This SIT made the previous SIT defunct and redundant, but did not meet even once. The result is there before every one to see. The manner in which these SITs were constituted and many which came to be constituted later, for different purposes of investigation, would tend to give impression that these were constituted merely as an eye wash.

As usual, with passage of time, thejaolice dropped its vigil and reverted to its routine mundane policing. Sikh religious organisations also relented after vocal demonstrative protest. The police guard which was placed at village *Gurdwara* was withdrawn after about a fortnight. In any event this was a useless exercise undertaken after the incident. If the vigil had continued, perhaps it may have acted as deterrence for the subsequent events that took place with passage of time. Police seems to have kept this incident in cold bag as it usually happens. Apparently no activity was noticed on the part of District police or the Government to pursue the investigation. If there was any such activity continued then nothing has come on record in this regard. Even otherwise the action by the police had not moved beyond the level of IG Bhatinda Zone. SSP Charanjit Sharma, DSP Sukhdev Singh and SHO Jasbir Singh who were investigating the case stood transferred by August, 2015. The new officers joining in place of these officers seem to have neither been properly briefed about this serious incident of sacrilege nor they seem to have taken it seriously. They have done nothing to further the course of investigation. But for subsequent incidents of sacrilege, this serious incident perhaps would have been given decent burial by showing it as untraced.

### **SECOND INCIDENT-AFFIXING OF POSTERS**

Something alarmingly happened again on 25<sup>th</sup> September, 2015 when some miscreants affixed two posters at *Samadh of Pir Dhodha* located adjoining village *Gurdwara* at village Burj Jawahar Singh Wala containing abusive language against *Sikhs*

*Gurus* and Sikhs. Simultaneously one similar poster but containing slightly different language, was affixed at village Bargari on the notice board fixed in front of village Gurdwara. This poster at village Bargari was noticed in the evening of 24<sup>th</sup> September, 15 at about 7.15 p.m. by Kulwinder Singh (CW 121) Manager of the *Gurdwara*. He had removed this poster after informing Gurchait Singh Dhillon, Akali leader, and the staff of Gurdwara. Why it was done and police not informed has not been explained with any satisfaction. May be that the police was informed but the police seems to be hiding this information for obvious reasons. Strangely police witnesses while appearing before the Commission have stated that they were unaware about this fact that the poster was noticed in the evening of 24<sup>th</sup> September, 2015. This aspect seems suspect.

Two-posters affixed-at \_BurJ Jawahar Singh Wala\_ were noticed in the early morning of 25<sup>th</sup> September, 2015. These posters contained filthy abuses written on these for Sikhs and for some of the panthic preachers like Bhai Ranjit Singh Dhadrianwala and Sant Baljit Singh Daduwal. The posters fixed at Bargari contained a challenge to the police to trace the *SAROOP of Sri Guru Granth Sahib Ji* which was claimed to be present in the village itself. The grievance expressed in these posters was about the non release of movie 'Messenger of God' in which head of *Dera Sacha Sauda* had acted as hero. The posters contained a threat that Holy *Guru Granth* shall be thrown in the streets.

The management of Bargari *Gurdwara* was found wanting but Ranjit Singh (CW- 130), President of village Burj Jawahar Singh Wala *Gurdwara* immediately informed the SHO Baje Khanna, Sub Inspector Amarjit Singh (CW-21) who came to the village and removed the two posters affixed on pillar of gate of the *samadh*. Police Station Baje Khanna registered FIR no.117 in this regard. CW-21 and Shri Jagdish Bishnoi (CW-4) claim that they had learnt about the poster affixed at Bargari while they were present at Burj Jawahar Singh Wala. They both had then gone to village Bargari and had recovered the poster which had already been removed on the previous evening by Manager of *Gurdwara* (CW-121). Both these incidents were made part of investigation in one FIR No.117 registered at Police Station Baje Khanna, District Faridkot.

This incident, like the first one, attracted various senior police officers to these villages. Routine mode of investigation seems to have been followed by the police. No out of box thinking type of investigation was done. Apparent leads were even not followed. Only thing which the police boast to have done is to get hold of handwriting of number of persons in and around the villages where this incident happened and then compare these with the writing on hand written posters. The posters were written in bold with black ink marker. The handwriting could not have been of much help. The police had obtained handwriting of number of persons from village Bargari and Burj Jawahar Singh Wala. The police statedly had obtained handwriting from the office of Deputy Commissioner and District Welfare Office of about 5000 persons. None of the writing so obtained helped the police to zero on any culprit.

### **THIRD INCIDENT OF THROWING ANGS AT BARGARI**

While the issue of affixing of posters was still hot in the area, when another incident of very serious dimension and ramification happened at village Bargari. On the 12<sup>th</sup> October, 2015, someone scattered *ANGS of Sri Guru Granth Sahib Ji* in front of the village *Gurdwara* and on road around *Gurdwara*. On seeing this, Jagroop Singh *Sevadar* of historic *Gurdwara* of village Bargari, had gone to the house of Manager of *Gurdwara* Kulwinder Singh (CW-121) at about 4.15/4.20 a.m. and informed him about this incident. He also told CW-121 that *Granthi* had collected some *ANGS* and had kept these in the office duly wrapped in '*RUMAL SAHIB*'. Manager informed local member SGPC, Sh. Sukhdev Singh Bath. Incidentally, it may call for notice that Police Post is located in village Bargari itself. It is not understood why the *Gurdwara* people would choose to first approach Akali leader or SGPC member instead of informing the police stationed in the village itself. The police reached the *Gurdwara* and later registered FIR No.128 at P.S. Baje Khanna. In fact the police after reaching the village had collected number of *ANGS* scattered around the *Gurdwara* lying along the Phirni road. *ANGS*, after collection, were cleaned and put in *Palki Sahib*. This news appears to have spread like wild fire. Public gathered in the village *Gurdwara* in large number. Leaders of various *Panthic Jathebandis* had also reached the village. Local SGPC member Mr. Bath also came present. SSP, Faridkot, who was on leave at Amritsar was informed and reached village



Bargari around 9.30 a.m. on 12<sup>th</sup> October, 2015. Newly posted Deputy Commissioner also reached the village. Gathering was so agitated that it did not allow member SGPC to remain present in the Gurdwara. Tempers were so high that no one was ready to listen to District administration. Senior police officer namely DIG Amar Singh Chahal (CW-76) also reached the village but apparently did not actively participate to assuage the feelings of the agitated public. At about 3 p.m. on the same day, the gathering, which was quite large in number, decided to move to Kotkapura and to sit on Dharna at Kotkapura chowk. Their complaint was that police had not been able to trace the perpetrators of these serious incidents of sacrilege which had hurt the feelings of the entire Sikh community. The decision also was to take the recovered *ANGS of Guru Granth Sahib* along *Palki* and keep these on the Dharna site. In this manner, the gathering moved from village Bargari and reached Kotkapura sometime in the evening of 12<sup>th</sup> October, 2015 and sat on *dharna*.

At this stage the State Government seems to have woken up a bit which was indicated from the movement of senior officers and police force from various districts like Moga, Bhatinda, Ludhiana, Fazilka, Mansa and Ferozepur etc. Movement of police force from outside the range would show the involvement of Govt. Sh. Paramraj Singh Umranangal, who was Commissioner of Police, Ludhiana was made to reach Kotkapura and so also SSPs of the adjoining districts who obviously were called under the directions of the Director General of Police of the State.

#### **POLICE ACTION AT KOTKAPURA**

The police and the district administration thereafter got busy in negotiating with the public sitting at *Dharna*. The district administration and the police officers somehow succeeded in convincing the leaders sitting at *Dharna* to end the same. They agreed to court arrest on the assurance that the police would make earnest effort to arrest the culprits of these crimes. Various leaders were arrested on the early morning of 13<sup>th</sup> October, 2015 and taken to different police stations. The decision of the administration to release them on the morning of 13<sup>th</sup> October, 2015 may not go down as wise move because soon after their release they came again and sat on *Dharna* at Kotkapura at about 11 a.m. on 13<sup>th</sup> October, 2015. The police force was again summoned and

reached there from various districts besides PAP and IRB Battalions. The water cannons and tear gas vehicles were also called and were stationed at the chowk Kotkapura.

The process of negotiation was again commenced. The senior officers like Ranbir Singh Khatra, DIG Bathinda range (CW-75), Amar Singh Chahal, DIG, Ferozepur range (CW-76) along with various SSPs of the districts like Faridkot, Ferozepur, Moga and Mansa, went and spoke to the public sitting on *Dharna* to find a way out. Their efforts bore fruit when, early in the morning of 14<sup>th</sup> October, 2015, the protesters sitting on Dharna agreed to court arrest on the condition that they will be formally and properly shown arrested instead of releasing them without showing their arrest in the record as was done earlier. The Deputy Commissioner, who was around, was asked to provide buses or other vehicles and the process of arrest commenced. Ladies and children were moved first after their arrests. In this manner large number of protesters sitting on Dharna courted arrest and were removed from the chowk to different locations. The process which was going on smoothly again received a hick up when people complained that police was releasing them and thus was not showing their arrest on record as was agreed to. The leaders present at the chowk stopped courting arrests. Police succeeded again in persuading the leaders and the process of arrest was commenced once again. Soon thereafter the differences again developed and the leaders thereafter declined to continue with process of courting arrests and started reciting *PATH of JAPJI SAHIB*.

There is difference in versions of police and the protesters about what happened hereafter. Persons and leaders sitting on Dharna, examined as witnesses would maintain that they were not allowed to even complete their morning *PATH* when the police took action to disperse them. The police version is that they went to talk to leaders for ending *Dharna* once they had finished *PATH*. Be that as may, thereafter the leaders specially Bhai Panth Preet Singh (CW-87), who was spearheading the Dharna, stated that they will not voluntarily court arrest and the police, if require, may remove them. Statedly, the police thereafter decided to arrest these persons and SSPs of the districts Faridkot S.S. Mann (CW-54), Sh. Raghbir Singh SSP, Mansa (CW-55), Charanjit Sharma SSP Moga (CW-83) and DIG Amar Singh Chahal (CW-76) went ahead to arrest Bhai Panth Preet Singh (CW-87). When attempt was made to arrest him, CW-87 lied

down on ground, These officers then tried to lift Bhai Panth Preet Singh by holding him from arms. They are also seen dragging him (CW-87). Some of the persons from the protesters sitting along with him lied over him to resist the attempt of the police to take Bhai Panth Preet Singh in custody forcibly.

As per the protesters, police simultaneously resorted to *lathi* charge and use of water cannons whereas police claims that persons who had come forward to protect Bhai Panth Preet Singh took out swords and dangs and attacked the police party when the police used water cannons. Initially the public got dispersed from the site of Dharna due to force of water thrown from the water cannon vehicle. As per the police, thereafter protesters regrouped themselves and then attacked the police. A number of protesters and policemen received injuries. The witnesses appearing from protesters side have consistently stated that the police had opened firing in the chowk to disperse protesters which fact is not admitted by the police witnesses. This fact gets confirmed from serious bullet injuries caused to one person namely Ajit Singh (CW-148) that the police had opened fire at the chowk. As per police witnesses, police had fired a few rounds from inside the police station city Kotkapura when The protesters following the police had come up to the gate of the police station to which place the police force had withdrawn from the chowk. Both the versions would need a close scrutiny to find where

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the truth lies. Suffice it to say here that the police had resorted to *lathi* charge, use of tear gas and various other means and got the chowk cleared by about 6.50 a.m. of 14<sup>th</sup> October, 2015.

**POLICE ACTION AT BEHBAL KALAN**

Jubilant police was apparently in celebration mood at the chowk when as per the police, a report was received that police chowki at village Bargari was under threat. IG Paramraj Singh Umranangal (CW-95) deputed SSP Charanjit Singh Sharma (CW-83) to proceed to Bargari. The police force from Ludhiana was assigned to go with him since he was not having any force from his own District Moga. Sh. Charanjit Singh Sharma (CW- 83) and other members of police party accompanying him have stated that when they

reached village Behbal Kalan they found protesters sitting on Dharna on main road. Because of this, police party could not proceed further and stopped at this place to tackle the situation. DSP Jaito Shri Jagdish Bishnoi (CW-4), SHO Baja Khanna Sh. Amarjit Singh (CW-21) and SHO Jaito Jasbir Singh (CW-5) were already present there. Police force from Fazilka along with S.P. Bikramjit Singh (CW-65) had also reached Behbal Kalan. These officers have stated that before arrival of Charanjit Singh Sharma (CW83) they had tried to convince the public to lift the Dharna it being unlawful, but without success. The police force which had reached with these (Officers were present there calmly while public was sitting on dharna peacefully. It is the arrival of Charanjit Singh Sharma (CW-83) and police party with him that seems to have disturbed the situation. As per the police version, Sh. Charanjit Singh Sharma told the public to end the Dharna and the public did not agree to this. Police witnesses have claimed that public got agitated and started use of brick bats. The police witnesses have made every attempt to remain as vague as possible as regard what happened and who opened fire and why. Everyone from police side have remained evasive and feigned ignorance about the person or the force which had opened fire. They all, however, agree that police had opened fire leading to death of two persons and bullet injuries to 3/4 other persons. When this happened, the police seems to have apparently panicked. All the police force present at village Behbal Kalan had then run away without bothering to attend to the situation. It is apparent that it is a well planned move by the police not to disclose the name of the force or the persons responsible for this sordid episode.

**PROTESTER'S SIDE VERSION OF THE INCIDENT**

Large number of witnesses from civil public appeared before the Commission to give a lie to a police version by stating that they were sitting peacefully on Dharna on the link road leading to village Behbal Kalan when Charanjit Singh Sharma and his party rudely told them to lift Dharna. As per the public, they had apprised the police that they were not being allowed to hold peaceful protest against the sacrilege of their holy Granth, while the police had not been taking action against Premis sitting on dharna without any valid cause. As per civil witnesses, without any provocation the police had opened fire on the public sitting on peaceful Dharna killing two persons and injuring 3/4 persons. The Commission would sift the evidence to discover the truth while considering the divergent version appearing in this regard.

#### **AFTERMATH OF THE POLICE ACTION AT BEHBALKALAN AND KOTKAPURA**

This incident resulted in real backlash. The implication of this seems to have dawned on the State and the police administration on the following day. The entire Punjab observed bandh and movement in State came to a standstill. The public at large started questioning the role and the responsibility of the police. Despite knowing the fact that two persons had died at Behbal Kalan in police firing, the police instead registered FIR under Section 307 IPC against the public sitting on Dharna. The police took similar action for happening at Kotkapura. In the FIRs no mention was made of the two persons who had lost their lives and those who were injured. This was something which the public was unable to digest and the police' unable to control. The Government resorted to different measures to control the disturbed condition. Government constituted a Special Investigation Team headed by ADGP I.S. Sahota (C.W- 162). This SIT directed the local police to register an FIR under Section 302 IPC but strangely mentioned in its report that some people wanted that a case of murder be registered and investigation done in the case. SIT accordingly decided that a case be registered under Sections 302/307/34 IPC and 25/27/54/59 of Arms Act. it was on the basis of a perception that Shri Charanjit Singh Sharma was responsible for whatsoever had happened at Behbal Kalan. How this perception was made the basis to register FIRhas remained unexplained when it was clear that two persons had died during police

firing. FIR, if any, should have been by name which was disclosed to SIT. The SIT had recorded that it will supervise the investigation but did nothing thereafter.

Soon thereafter, the Government constituted a Commission headed by Justice Jora Singh, (Retired) Judge, Punjab and Haryana High Court with terms of reference as already noticed, in November, 2015 the Punjab Government transferred the investigations of three FIRs relating incident of sacrilege of *Shri Guru Granth Sahib* at village Burj Jawahar Singh Wala and at village Bargari to CBI for investigation. Remaining FIRs referred to above are being investigated by District police Faridkot. No wonder that these FIRs have remained unsolved. No action against anyone responsible for such serious action leading to death and injuries, has followed. Virtually police has not carried out any investigation for deaths of two persons and injuries to others at Kotkapura and at Behbal Kalan. SIT, which was to supervise the investigation, also did nothing.

Justice Jora Singh (Retired) Commission submitted its report on 30<sup>th</sup> June, 2016. No information is forthcoming about the action, if any, taken in this report. In the meantime, new Government took over during March, 2017. Finding that Justice Jora Singh (Retired) Commission had not completed the fundamental limb of the enquiry and its finding being broad based, wherein it has not named or identified the role of person involved, the new Government has expressed its inability to accept the report. Government has, therefore, constituted the present Commission.

#### **COMMENCEMENT OF TASK BY THE COMMISSION**

The Commission commenced its task with prayer on its lips after seeking blessings from Holiest of the holy *Shri Darbar Sahib* Amritsar. The Commission has done its utmost to perform its task with total sincerity. The Commission has been working since 17.03.2017 after it was able to arrange staff under its own arrangement and has continued to work on every working day thereafter. ,

The Commission has examined almost 550 witnesses to inquire into the cases of sacrileges of the holy granths in the State. The Commission has made every possible effort to inquire into the detailed facts and circumstances as to what happened

and role played by the various persons besides ascertaining as to who was responsible for the firing incident at Kotkapura on 14<sup>th</sup> October, 2015 and for second incident of firing at Behbal Kalan district Faridkot on the same day where two persons had died. As can be made out from the terms of reference, the Commission is required to identify and inquire into the role of the police officers/officials in regard to the incidents of firing and also regarding the incomplete and inconclusive investigations of the incidents of sacrileges. The Commission has, therefore, decided to first take up for discussion of evidence to determine role of police at Kotkapura and at Behbal Kalan on 14.10.2015, before taking up discussion of evidence to opine into incidents of sacrileges of these Holy Granths to ascertain the real cause and the role of persons, if any, responsible in this regard.

**DISCUSSION AND ANALYSIS OF EVIDENCE REGARDING FIRING INCIDENT AT KOTKAPURA ON 14.10.2015.**

Since the Commission has to inquire into the incidents of firing at Kotkapura and Behbal Kalan, it would first determine as to who can be held responsible for initiating action before identifying the roles of police officers, if any, responsible for the happenings at Kotkapura.

While making a mention in brief to various incidents of sacrilege and about the police action, the Commission has noticed the background under which the public came and sat on Dharna at Kotkapura chowk district Faridkot. To recapitulate briefly, this happened when number of ANGGS of pious *Sri Guru Granth Sahib Ji* were found thrown in front of the *Gurdwara* at village Bargari and also around the phirni road of *Gurdwara* attracting large public to village Bargari. Mention is already made to the hurt which this incident had caused to the entire Sikh sangat, due to this-unprecedented act of some miscreants. The public which had gathered at village Gurdwara had collected these scattered ANGGS with reverence and placed those inside the Gurdwara hall of this historic village *Gurdwara* known as *Patshai Dashmi* (10<sup>th</sup> Guru). Tempers were so high that virtually no one from the district administration dared ,to enter the premises of the Gurdwara hall to exchange some dialogue with the agitated public. The Deputy Commissioner of the district Shri Malvinder Singh Jaggi (CW-9) and the SSP of the district Shri S.S. Mann (CW-54) who had reached the village Bargari remained present outside the Gurdwara without daring to enter therein. SHO Baja Khanna and the DSP Jaito also remained present outside with large police force. The deliberations were held by the public for quite some time while sitting inside the Gurdwara which has a large hall with quite big open compound. Other senior officers had also reached the village but remained present in the police post village Bargari located at a some distance from the village Gurdwara. The Deputy Commissioner (CW-9) states that he had gone inside the Gurdwara where the public was holding deliberation as none knew him he being newly posted. He, however, was later sent out of the meeting. The SGPC member was shunted out of the meeting with disgrace and was saved from the public wrath by SHO Baja Khanna Shri Amarjit Singh (CW-21) as is claimed by him. Around 3 p.m. the public



decided to hold Dharna at Kotkapura chowk while taking along the recovered *ANGS of Sri Guru Granth Sahib Ji* which had been collected. The police apparently did not make much effort to stop the public from proceeding to Kotkapura to hold the Dharna at the chowk and the public accordingly reached Kotkapura and sat on Dharna on 12<sup>th</sup> October, 2015. It is here that the finally, the police took action on the morning of 14<sup>th</sup> October, 2015 when various efforts to get the Dharna site vacated by negotiation or in a peaceful manner failed.

Faridkot being part of Bhatinda zone which was under the command of DIG Ferozepur Range, the responsibility to control the situation at Kotkapura primarily was that of SSP of the district Shri S.S. Mann (CW-54) and DIG Ferozepur Range Shri Amar Singh Chahal (CW-76). it is not clear if anyone was holding the appointment of IG Bhatinda zone. IG Jatinder Jain (CW-74) was present at Kofkapura who has stated in his affidavit that he had not taken over the appointment of IG Bhatinda zone by then. Some of the police witnesses who appeared before the Commission, described CW-74 as IG Bhatinda. zone but there is some confusion appearing from record and from the documents produced by IG Jatinder Jain (CW-74) showing that he had assumed the appointment of IG Bhatinda zone on the afternoon of 14<sup>th</sup> October, 2015 but had actually taken over as IG sometime around 24<sup>th</sup> October, 2015. As already noticed, a very large number of police force, not only from the range but from the districts outside of Bhatinda Range were requisitioned to tackle the situation at Kotkapura. It is on record that Shri Paramraj Singh Umranangal (CW-95) was specifically directed by the then DGP, Punjab Shri Sumedh Singh Saini (not examined as; he did not choose to appear or to file response despite notice) to reach Kotkapura chowk. Not only CW-95 but the then DGP also issued specific directions for Shri Charanjit Singh Sharma (CW-83) to cut short his leave, which he had obtained to perform Shradh ceremony of his father, to reach Kotkapura. Besides SSPs of districts Mansa, Bhatinda, Ferozepur, Fazilka and the police force from PAP battalion. as well as IRB battalions and police force of Commissionerate, Ludhiana were summoned at Kotkapura.' These senior officers like IG Paramraj Singh Umranangal, IG Jitender Jain, DIG Amar Singh Chahal, DIG R.S. Khatra, S.S. Mann, SSP, Faridkot, Hardyal Singh Mann SSP Ferozepur, Mr. Raghbir Singh SSP

Mansa, Mr. Charanjit Singh Sharma SSP, Moga and various other senior officers of different ranks like DSPs, Inspectors, Sub Inspectors and constables had, thus, reached Kotkapura.

What actually transpired at Kotkapura has come out differently in the versions given by the police and that of the public sitting on Dharna. Thus, one set of witnesses, who are police officials holding different ranks, starting from constable to IG have consistently maintained one similar/identical stand. The witnesses examined from public had given a different version to the one which is given by the police witnesses. Some of the police witnesses appeared before the Commission to complain that they received injuries during the action at Kotkapura but to counter the same number of civilian witnesses appeared to tell the different versions about the high handedness of the police. There is, however, not much difference in the versions till the commencement of action in the early morning of 14<sup>th</sup> October, 2015.

Let us first consider the evidence where there is not much dispute between the warring parties about the happenings at Kotkapura.

As already noticed, a large number of persons had started from village Bargari and came and sat on Dharna at Kotkapura on 12<sup>th</sup> October, 2015. Admittedly there was a negotiation between the police and the protesters sitting on Dharna when finally late at night of 12<sup>th</sup> October, 2015 and early morning of 13<sup>th</sup> October, 2015 the protesters agreed to court arrest. The protesters sitting on Dharna, accordingly, were arrested and were moved to different police stations in different districts. The chowk was cleared of Dharna. Ideally the police should have made an appropriate arrangement to stop the public coming and sitting on Dharna again at chowk but due to some unexplained reasons nothing of this sort was ensured or done. Alternatively, the decision to release those arrested on the morning of 13.10.2015 was not a wise move. Still nothing was lost. Police ought to have ensured measure to stop public from sitting on dharna soon after the release. Basically SSP Faridkot must share blame for this lapse for not taking appropriate steps.

The protesters and the leaders who were taken in custody, were released on the early morning of 13th October, 2015. They again came back to Kotkapura chowk and decided to sit on Dharna complaining that the persons responsible for incidents of sacrilege had not been traced. Their grievance and decision was that they will continue to sit on peaceful

Dharna till the police caught the culprits who had committed the incident of sacrilege. The police force, which had perhaps been made to disperse, had to be summoned once again when the protesters sat on Dharna at about 11 a.m. on 13<sup>th</sup> October, 2015. IG Paramraj Singh Umranagal (CW-95) was again called back to remain present at Kotkapura where he reached in the evening of 13<sup>th</sup> October, 2015. IG Jitender Jain (CW-74), Shri R.S. Khatra DIG Bhatinda zone(CW-75), Shri Amar Singh Chahal (CW- 76) and all senior officers also came present at Kotkapura. On the night of 13/14<sup>th</sup> October, 2015 the senior officers like SSP Faridkot, DIG Bhatinda Range and DIG Ferozepur Range statedly went in turn to negotiate with the public to lift Dha'rna. One has not been able to understand as to why the police or the senior police officers were so keen to lift this Dharna which concededly was a peaceful Dharna to protest against a very serious religious issue which had hurt the sentiments of Sikhs in the entire World. The demand of the public sitting on Dharna could not be termed something which was unreasonable. In a democracy like ours, right of people to assemble and to protest peacefully without arms is constitutionally guaranteed right. The justification offered by the police to insist on getting the Dharna lifted is that because of this dharna traffic to Muktsar, Malot, Abohar, Faridkot, Amritsar, Bhatinda, Moga and Ludhiana had come to stand-still. This fact that entire traffic had come to a stand-still does not find support from the evidence or material on record. This is even belied by the version of police officers and the officers of the district administration who had been reaching Kotkapura from Faridkot. There are various diversions which obviously were put to use to ensure uninterrupted flow of traffic and this reason cannot be passed as a valid justification for police insistence to get the Dharna lifted.

Leaving this aspect aside, the protesters sitting on Dharna concededly were not even in any mood to resort to violence. The evidence shows that they all were sitting peacefully and reciting *Path*. There was an arrangement for cooking langar which was being distributed to the *Sangat* sitting on Dharna in a quiet and peaceful manner. The conduct of the protesters would further prove this when on 13<sup>th</sup> October, 2015, they had agreed to lift the Dharna on the assurance of the police to take concrete steps to arrest the culprits. This is further reflected from the conduct of the protesters and their leaders when they voluntarily agreed to court arrest after negotiation with the police on the early morning of 14<sup>th</sup> October,

2015. As already noticed, the agreement was that the police would formally reflect the arrest of those being picked up from the chowk by ensuring a proper procedure by making documents in regard to their arrests. As per the public, the police did not adhere to the agreed terms whereas the police officers have maintained that they did their best to convince the leaders about the fact that the police was showing arrest of those persons properly in the documents. By-the time these differences developed between the police and protesters, a large number of them had been removed from the Dharna site in the buses and in the vehicles made available by civil district administration.

When the negotiation failed, remaining protesters sitting on Dharna through their leaders declined to court arrest voluntarily. It is at this stage, the senior officers present at the site of Dharna like Shri Paramraj Singh Umranangal, Shri Amar Singh Chahal and various SSPs are seen discussing with each other perhaps to chalk out the course of action required to be adopted. It is in the evidence of the witnesses sitting on protest that the leaders had made announcement that no one would raise their hands or use any violence if the police came to arrest them.

From here onwards the difference in the version of the police and the public would surface.

The police witnesses would maintain that they had gone to arrest Bhai Panth Preet Singh as he had demanded that he be arrested but the version of the protesters in this regard is different. At about 6.30 a.m. SSP S.S. Mahn, SSP Raghbir Singh, SSP Charanjit Singh Sharma, SSP Hardyal Singh Mann and DIG Amar Singh Chahal had gone ahead to the place where Bhai Panth Preet Singh was present and made a conscious attempt to take him in physical custody. They had removed some persons from the side and put them into PRTC buses which had been brought to the site. When attempt was made to remove Bhai Panth Preet Singh he lied down on the ground. These police officers named above then caught hold of Bhai Panth Preet Singh from his arms. Not only this when CCTV footage became available and is seen by the Commission it shows that these officers are seen dragging Bhai Panth Preet Singh. Even DIG Amar Singh Chahal had joined in while dragging Bhai Panth Preet Singh. Some of the persons sitting near Bhai Panth Preet Singh lied over him to stop the police from lifting him forcibly. The police witnesses claim that the public not only did

this but attacked the police force with dangs and kirpans. On the other hand, the witnesses appearing from protesters side would maintain that they first lied over Bhai Panth Preet Singh to stop the police from lifting him when the police resorted to use of *Dongs* and sticks to beat those persons besides simultaneously resorting to use of water cannons. Because of this the tent, which was pitched, got partially uprooted. The protesters went helter skelter and started looking for cover. The protesters thereafter are seen coming back to the chowk while using some stones lying nearby. The version that public had brought stones in trolley is not true. The entire police force is then seen running from the chowk like cowards. The police came back firing and got the chowk cleared of public. All this was over within three minutes. If it could be so done, why the police force had run away from the chowk initially is not understandable.

How the police was able to control the situation at the chowk is differently brought out by the police and the civilian witnesses.

It has clearly come out that protesters and leaders sitting on Dharna at Kotkapura were rather receptive and had agreed to voluntarily court arrest not once but twice. In this background, if some difference had developed between the protesters and the police, there was no justification or need for the police to get the Dharna lifted forcibly. Either the police should have again tried to reason out with the protesters or alternatively should have allowed them to remain sitting there instead of aggravating the situation. Police definitely had better option of tiring out protesters sitting on Dharna especially when the police had succeeded in removing majority of the protesters from Dharna site.

The pressing reason advanced by the police to lift Dharna is that the traffic to different districts had come to a standstill. A month ago, *Premis* had sat on Dharna and had even blocked Rail traffic as well. No urgency was noticed to tackle them in the manner as is seen at Kotkapura. Even Kishan Union had blocked rail and road traffic in the State for which the police did not show any urgency to ensure flow of traffic. The Dharna at Kotkapura was for a very sensitive and touchy cause. It was required to be handled with tact and tenacity. Collecting such a huge force and making Commissioner Police, Ludhiana holding such sensitive post, to move to Kotkapura may in itself be an indicative of plan to tackle the situation in a particular manner. Sh.Umranagal (CW-95) had been moved to

Kotkapura on the direction of DGP Mr. Sumedh Singh Saini (not examined). Even Mr. Charanjit Singh Sharma (CW-83) moved on the orders of DGP conveyed to him through CW-95. The police force from outside the range which was present in plenty could have moved only on the directions, of DGP. ADGP Mr. Rohit Chaudhary (CW-79) reached Faridkot on 12.10.2015. As per CW-79, he had volunteered himself to go to Faridkot in order to talk to and to assure the public sitting on Dharna of high level and speedy investigation. ADGP (Law and Order) Sh. Rohit Chaudhary (CW- 79) had also reached Faridkot and had not only visited village Bargari and Burj Jawahar Singh Wala but had come to Kotkapura as well.

Initially CW-79 appeared before the Commission to file a single page affidavit stating that he had neither conducted any inquiry nor carried out investigation of any case of sacrilege. In his affidavit, he has further stated that he was not present at the spot of incident on 14<sup>th</sup> October, 2015 and thus, had nothing to inform the Commission.

It was only during his questioning, it came out that as ADGP (Law and Order), he was responsible for mobilising the force. He was then asked to disclose the nature of requisition received from the district administration and the forces which had been mobilised. This witness then sought time to go through the record to answer the queries of the Commission. When he appeared second time on 24.08.2017, he came with four pages affidavit containing many details whereas earlier he had stated that he had nothing to state before the Commission. It was then revealed that he had carried out discussion about the progress of investigation at Faridkot with the officer named in his affidavit. He had also visited village Bargari accompanied by IG Mr. Jitender Jain and other senior officers where he interacted with the witnesses. He had also spoken to Mr. Jagvinder Singh Aulakh father of IG Jitender Singh Aulakh and resident of village Bargari.

In his statement, CW-79 also admitted that he had approached the public at Kotkapura through IG Paramraj Singh Umrananga! (CW-95). CW-79 was the senior-most officer present at Faridkot and Kotkapura and was there primarily due to a situation arising out of Dharna at Kotkapura. He is, thus, seen being evasive in order to save himself from the responsibility arising out of the situation which ultimately developed at Kotkapura. Before the Commission, he denied if he had issued any instruction to the officers to handle the situation in a particular manner but he was at his evasive best in remaining vague by

answering that he did not remember when he learnt about the clash at Kotkapura or who informed him. Surprisingly, he claimed that he did not inform the DGP or the Government when DGP on his own showing, spoke to him to enquire about the well being of the injured. Such a senior officer is expected to show responsibility while appearing before the Commission instead of remaining vague about the facts which were bound to be in his knowledge. Again, CW-79 even failed to take appropriate action after learning that one person had been admitted in' Faridkot hospital with bullet injury. As a senior officer, he ought to have enquired about the person responsible for this act but he did not try to find out anything in this regard. While answering this aspect, he said that he did not do so as he was not the Inquiry Officer. He concedes that he did not think it proper to inquire about the manner and method used by the police to get the Dharna lifted. Not only this he learnt about the firing at village Behbal Kalan when he was present in hospital at Faridkot. Statedly, CW-79 failed to get brief of the situation but has palmed off to share further information by stating that DIG told him that he (DIG) would call him later. When further pressed, CW-79 again evaded answer by relying upon loss of his memory stating that he did not remember if DIG Amar Singh Chahal had briefed him about the incident at Behbal Kalan subsequently. He even forgot to remember if he had called DIG Amar Singh Chahal to know about the exact details. This witness is not novice to understand the role expected from senior officers like ADGP (Law and Order). He has purposely declined to share the complete facts in his knowledge with the Commission.

CW-79 had sought an adjournment to go through the record for deposing before the Commission about the requisition received from the district and the forces which

were assembled at Kotkapura to tackle the situation. While appearing for this purpose, the witness stated that mobilisation of the police force to handle the situation at Kotkapura was not done through him. The Commission found itself compelled to observe that if that was so where was the need for the witness to seek adjournment for inspecting the record.

This witness was then questioned about the press briefing which he had carried out after the incident at Kotkapura and Behbal Kalan. The witness did not come out with complete details of the briefing done by him with IG Paramraj Singh Umranangal (CW- 95) and DIG Amar Singh Chahal by his sides.

Yet another interesting conduct of this witness surfaced when his statement recorded in his presence was put before him for his signatures. He on his own carried out corrections with pencil in his statement which he could not have done. When the statement corrected with pencil was placed before the Chair person of the Commission, he took strong objection to this conduct of the witness. He was called and apprised that in case he wants to amend his statement in any manner it has to be recorded separately and he had no authority to amend his statement which was recorded as narrated by him. The corrections suggested by him were then recorded separately after his statement and are available at pages 809 and 810. When this exercise was done, CW-79 stated that let his original statement without correction stay as it was. This was not accepted and the witness was then required to sign on the statement including the amendments which he had wanted in his statement. By way of amendment, the witness wanted to change the manner in which he spoke to the DGP and also wanted to convey that incident happened two years back and it was difficult to remember the exact sequence of events. Whatever be the situation, this action of the witness in blowing hot and cold cannot be appreciated. This would indicate a conscious effort on his part to save himself rather than taking the responsibility which could be expected from a senior officer. A copy of the statement where the witness had carried out amendment was also kept on record and is available at pages 811 to 813.

This witness had to be called again when the Commission got possession of the press conference which the witness had conducted at Faridkot after the incident. In this press conference, the witness had stated that considering the seriousness of the issues, he



had visited various villages and he had taken over the investigation of the cases. He had also made Shri Paramraj Singh Umranangal (CW-95) to give the narration about the police action at Kotkapura and Behbal Kalan. Mr. Umranangal disclosed in the press conference that proper arrangements were made to secure Kotkapura town and the adjoining areas. Various SSRof Bathinda Zone were given supervision and during this time SSP Moga Charanjit Singh with his party not with any duty but for checking was going to Baja Khanna side when he found protesters sitting on dharna at Behbal Kalan. On seeing police party, public started throwing brick bats on the police vehicles and fired with 12 bore rifle. CW-79 had also spoken about constituting a SIT headed by DIG Amar Singh Chahal and promised to catch the miscreants very shortly.

This press conference would contradict the-version earlier given by CW-79 showing his ignorance about what happened and the manner in which the entire incidents had taken place at both these places. Incidentally this witness when recalled about second time came out with yet another affidavit runhing into three pages sharing further information and giving some sermons about the cardinal principles of handling law and order situation. He, however, could not support these cardinal principles in handling law and order situation on the basis of any rule or regulation. This officer remained present in the vicinity of the incident and had held a press conference on the evening of 14<sup>th</sup> October, 2015. Though present at Faridkot, but this officer had stated that he had not spoken to any officer handling the situation or if he had given any feed back to the DGP. The witness even is seen, not coming out with complete truth when he says that he did not speak to anyone at Kotkapura at the time of action. The call details available with the Commission shows that CW-79 had exchanged calls with IG Umranangal 23 times between 7.12 p.m. on 13.10.2015 to 11.04 a.m. on 14.10.2015. He spoke to Mr Umranangal eight times between 5 a.m. and 7.04 a.m. on 14.10.2015 when the police action was in progress at the chowk Kotkapura. When the witness was shown the video of press conference, he then conceded that he had carried out the said briefing. Thus, this witness was apparently aware of much more details about the police action and about the handling of the situation but had made an attempt to remain evasive. He is seen telling lies. He being senior officer present in the vicinity ought to have acted pro actively guiding the officers handling the ground situation and he did not do so.

Coming back to see the responsibility of the action at Kotkapura, it can be noticed that except for the manner in which trouble started at Kotkapura there is not much difference in the versions given by the police and the public. Both the sides would concede that early in the morning of 14<sup>th</sup> October, 2015 leaders and the protesters sitting on Dharna had agreed to court arrest voluntarily and the process of arrests had commenced. Large number of persons had, thus, been moved from the Dharna site by making them board buses and other vehicles. There was no dispute between the police and protesters that after sometime differences developed| whereby the protesters and leaders started complaining that the persons were not being properly shown arrested and were being released. Even this dispute seems to have been settled and the process of arrest again commenced but was to halt soon thereafter when the earlier complaint of releasing the persons again surfaced. Thereafter the leaders and the public declined to court arrest. There is also no dispute that the leaders apprised the police that they would now not voluntarily court arrest but can be arrested and they would not raise hand or in any manner object to the same. Why then the police was keen to forcibly arrest the protesters or the leaders had not received any valid explanation.

The SSP of the district and other SSPs, who had gone forward to arrest Bhai Panth Preet Singh (CW-87) have tried to justify their action by saying that they had done so on the asking of the witness (CW-87). This is puerile explanation which cannot be believed. The real reasons in this regard are apparently different. Despite best efforts on the part of the police officers to either hide or to remain evasive they still could not help their cause in this regard. If the entire sequence of events is examined then it can be made out that decision perhaps was taken sometime in the middle of night to evict the protesters sitting at Dharna.

The Deputy Commissioner, Faridkot CW-9 filed an affidavit in detail before the Commission on 13<sup>th</sup> July, 2017, stating that he (CW-9) had received a telephonic call from SSP, Faridkot at 1 a.m. in the morning of 14.10.2015 to reach Kotkapura.

Commission addressed a specific question to the witness to disclose exact conversation which took place between SSP, Faridkot and the witness at that time. His answer was as under:-

*"SSP Faridkot told him that the situation may get further deteriorated so we have spoken to few of the protesting leaders and some of them have agreed to lift Dharna after courting arrest so he asked him to reach the place."*

CW-9 was then questioned if SSP Faridkot informed him about any instruction which he may have received for dispersing the crowd and the answer by the witness was "he said if needed they might have to lift the Dharna by force." Thus, it is clear that SSP, Faridkot either directly or through some senior present at Kotkapura had received instructions in the middle of night to lift Dharna even if force was required to be used. SSP Faridkot when asked about it admitted that he had called DC at 1 a.m. on the morning of 14.10.2015 but adamantly declined to disclose the nature of conversation. It can, therefore, be believed that SSP did talk to DC for lifting dharna by force. Now the Commission has obtained the call details of DC phone, and DC and SSP did speak to each other at about 1 a.m. on 14.10.2015. In fact there were number of calls exchanged between them on the morning of 14.10.2015.

The Deputy Commissioner (CW-9) was examined in detail subsequently when he was asked to appear with some record. CW-9 states that he immediately on learning about the incident at Bargari on 12<sup>th</sup> October, 2015 had informed the Principal Secretary/Secretary to the Chief Minister about the incident at about 7.30 a.m. CW-9 claims that he had been conveying the information about all the developments on telephone to authorities at Chandigarh. CW-9 had gone to village Bargari on 12<sup>th</sup> October, 2015 and had followed the public which had started from village Bargari to come and sit on Dharna at Kotkapura. He had left Kotkapura when the public had agreed to lift Dharna and they had vacated the chowk as well. This happened by 2.30a.m. on the morning of 13<sup>th</sup> October, 2015. CW-9 again started for Kotkapura at about 11.30 a.m. on 13<sup>th</sup> October, 2015 enroute he received a message from Commissioner Shri V.K. Meena that ADGP, Law and Order had reached Faridkot and

CW-9 should meet him. CW-9 returned to Faridkot and met Shri Rohit Chaudhary (CW- 79). Then they both decided to go Kotkapura but reached there only in the afternoon of 13<sup>th</sup> October, 2015. They had first visited villages Burj Jawahar Singh Wala and village Bargari. It may sound little odd to note that ADGP, (Law and Order) was rather casual in attending to the situation. He had a lunch at Faridkot before starting towards Kotkapura where he reached after going to villages Bargari and Burj Jawahar Singh Wala. The presence of Deputy Commissioner may have been needed at Faridkot but ADGP, (Law and Order) (CW-79) took him along and, thus, Deputy Commissioner remained away from the scene of action till the evening of 13<sup>th</sup> October, 2015.

CW-9 confirms that once the Dharna was got lifted during the night of 12/13<sup>th</sup> October, 2015, the information in this regard was conveyed to the Government. As per this witness, he had been informing the Government on telephone about every development and so was done by the police. CW-9 has further stated that when he received message from SSP, Faridkot at middle of night of 13/14<sup>th</sup> October, 2015 he tried to contact various authorities at Chandigarh on phone but none responded. He had then sent SMSs to all authorities responsible in this regard. This fact gets confirmed from the phone call details available with the Commission. DC had sent SMSs to all at Chandigarh when he was unable to contact them on phone. CW-9 was able to talk to Shri V.K. Meena (CW-77). They both decided to contact Mr. Mantar Singh Brar (CW-175) who was the Local MLA. When such three senior functionaries got together and have admitted to have made an attempt to contact the authorities at Chandigarh including the Chief Minister, the seriousness of the situation can well be imagined. At middle of night this is happening and it cannot be believed that they would not have persisted with their attempt to contact some competent authority at Chandigarh to seek directions about further course of action specially so when the Deputy Commissioner was made aware that the police could use force to lift the protesters sitting on Dharna. Though the Witnesses like the Deputy Commissioner CW-9, Mantar Singh Bra'r and Mr. V.K. Meena have said that they did not succeed in talking to anyone at Chandigarh but some of the witnesses who were ready to come Out with complete details to the Commission in confidence with an assurance that their nanjies be kept secret and not exposed. In order to reach the truth the Commission assured such witnesses who were

ready to share true facts in confidence that their names would not be disclosed and whatever they share with the Commission would be attributing to a secret source known only to the Chairman of the Commission. On this assurance some of the witnesses disclosed certain details, record of which has been kept separately by the Commission attributing it to secret sources and has been used for reaching the truth in this report.

#### **VERSIONS OF POLICE WITNESSES DISCUSSED**

To support its stand, the police has pressed that number of persons were injured at Kotkapura to make out a case that protesters had become violent and had caused injuries to the police persons. No doubt, some of the police officials appeared before the Commission to depose that they received injuries due to brick bats at Kotkapura. The versions of these injured witnesses if examined minutely can clearly indicate the manner in which the trouble had began at Kotkapura chowk. Inspector Bhalla Singh (CW-14) appeared before the Commission and filed his affidavit to depose that he was injured at chowk Kotkapura. in response to questions by the Commission, this witness stated that he saw police persons lifting Panth Preet Singh and Ranjit Singh Dhadrianwala and scuffle ensued between the police and protesters on Dharna. It is then that use of water cannons was done by the police. CW-14 has stated that the public had withdrawn to a road towards Muktsar and they started pelting stones when police used water cannons. He also stated that police had resorted to lathi charge to disperse the crowd. He conceded chat the police had resorted to lathi charge first in response to which the public used brick bats. CW-14 has gone on to state that the police had resorted to opening of firing from inside the police station. The version of this witness gives indication that primarily the police was responsible for turning the situation violent at the chowk Kotkapura.

Constable Nirmal Rai (CW-15), Head Constable Sukhjinder Singh (CW-16), ASI Angrej Singh (CW-17), Senior constable Lakhbir Singh (CW-18), Constable Ashwani Kumar (CW-19), Constable Shivender Pal (CW-20) are some of other police officials who appeared before the Commission to state that they were injured at Kotkapura. CW-15 states in his affidavit that the publiic sitting on Dharna was informed that their Dharna was illegal and that they should vacate the chowk withih ten minutes otherwise they will be arrested. This witness has further conceded that police had resorted to mild lathi charge initially and had

got the Dharna lifted and got the chowk cleared. His version, thus, points towards the fact that it is the police action in taking the persons in custody that aggravated the situation. CW-16 was rather more forth right when he stated that he could hear the conversation being exchanged between the senior police officers to the effect that the Dharna was an illegal and they would now make an attempt to lift the Dharna. This witness, however, did not hear any firing being done from the Police Station which is the version of some of the police officials including the senior officer present there that firing was done from the Police Station. CW-16 deposed that police had used tear gas and had resorted to firing in the area to disperse the protesters sitting at Dharna. This version would also show contradiction that some of the witnesses who have stated before the Commission that no firing was done at Kotkapura chowk. CW-17 again supports the version that the police had made an attempt to lift protesters by holding them by their arms. As per CW-17, he had verbally told the protesters to move from the place of Dharna. All these witnesses statedly ran away from the scene due to use of brick bats by the protesters as per their statements. This witness has also heard the sound of firing but not from the Police Station. CW-18 also lends support to the version given by other witnesses by stating that the police told the protesters to disperse from the chowk within 10 minutes. He also saw the police making an attempt to arrest the leaders from the protesters when the people got agitated. He received an injury on his nose. CW-18 has clearly brought out that the police had told the protesters to clear the chowk within 10 minutes and that otherwise they will be arrested. CW-20 has again given almost identical version by stating that the police tried to lift the protesters when exchange of brick bats started resulting injury to the said witness. He had chosen to stay silent about the police action in opening the firing either at the chowk or at the police station. CW-20 was rather more forth right when he stated that while on duty in the early morning of 14<sup>th</sup> October, 2015 police force was instructed to disperse the crowd which sat on Dharna. He has further stated

that he along with others told protesters to leave the place with dhanda in his hand while hitting the same on the ground while telling people to disperse. It is at that time he received injury on his hand. He had heard the sound of fire but did not disclose who had opened this fire.

Analysing the version of these witnesses, it would come out clearly that once the protesters sitting on dharna refused to court arrest, the police had made a deliberate attempt to arrest the leaders and protesters sitting at Dharna which aggravated the situation. If the police had either carried on with negotiation or allowed the protesters to remain present the incident could have been avoided since majority of the protesters had already been moved.

Senior Constable Ram Lai (CW-22) HC Vikas Sharma (CW-23), Sukhdev Sharma (CW-24), ASI Ranjit Singh (CW-25), ASI Gurmail Singh (CW-27), and Constable Parvin Kumar (CW-26) are some of the other police officials who state to have been injured at Kotkapura. Some other witnesses have also appeared before the Commission to say that they were injured at Kotkapura but none of them had received any serious injury. Their version in the affidavit is not also very credible as apparently they had been rehearsed to put up a story which is so identical that it is not worth' of much credence. So many witnesses present at the scene and coming forward to give identical versions would certainly go to cast doubt if they are truthfully stating what they actually saw. It is only during the questioning by the Commission that some of the information came out through these witnesses. CW 26 has stated that protesters while sitting at Dharna were doing *PATH* and that the police had resorted to lathi charge. CW 26 and CW-27 have also stated that the police had made an attempt to arrest and lift the persons from the chowk. CW-27 changed his version while stating that the police used mild lathi charge but was certain that the police used water cannons. He (CW-27) has again brought out that public sitting at Dharna had objection on the ground that they were not shown properly arrested. This witness received injury while he struck against another person and fell down. There may be large number of other persons who had received some simple minor injuries but have been brought forward to show an exaggerated use of brick bats.

Constable Avtar Singh (CW-28), PHC Wazir Chand (CW-30), ASI Major Singh (CW-

31), ASI Mohan Lai (CW-32), HC Satpal (CW-33), HC Jaswinder Singh (CW-34), HC Harcharan Singh (CW-35), HC Tarsem Lai (CW-36), Manjirider Singh (CW-38), HC Satpal Singh (CW-39), are some of other police witnesses who have also deposed that they were injured at Kotkapura chowk. CW-32 was discharged only after first aid; CW-33 name was not listed in the persons who were injured at Kotkapura. CW-35 came out with one very important fact that when the police made, an attempt to arrest people, then exchange of hot words ensued. As per this witness, the strength of ten thousand police persons was deployed at Kotkapura. This witness otherwise was evasive as he did not state anything taking shelter behind his injury. His injury was such for which he had received only a first aid. CW-38, conceded that he stumbled on a stone and fell down and in the process hurt his palm.

Kulwinder Singh (CW-29) states that he was injured at Kotkapura and that his SLR loaded with ten rounds was snatched by public. CW-29 statedly collected his SLR from Police Station, City Kotkapura after 6/7 days of the incident when six rounds were found missing. MHC Harpal Singh (CW-173) of P.S.City Kotkapura has denied if CW-29 collected his SLR from P.S.City Kotkapura. As per CW-173; only one SLR was deposited with Police Station and that was of one Rachhpal Singh. How the snatched-SLR would reach Police Station would sound strange. One SLR was found lying in the park and was deposited with the Police Station. When given chance, CW-29 produced two witnesses in his support. The story that SLR was snatched sound impossible. If snatched these could not have been found in police station. As per CW-173, only one SLR was deposited. Constable Kuldeep Kumar (CW-231) has stated that he had seen IRB men with rifle which he recognised to be of CW-29. He states to have gone with them to deposit this rifle with Police Station. This version does not inspire confidence. If rifle was snatched then how was it with IRB men. Inspector Raj Kumar (Retd.) (CW-237) came forward to state that he had gone with CW-29 to collect his SLR from Police Station Kotkapura. Since CW-231 knew from the very beginning that rifle of CW-29 was with Police Station Kotkapura, the story projected by CW-237 that they learnt about this latter sound unconvincing specially on the face of denial by CW-173. They could not



show any documentary record. Even from CCTV footage now available, no one is seen snatching the rifle and no one from public is seen armed with rifle. This is introduced as Red herring. 12 rounds are found missing from these rifles. Their weapons ought to have been got examined to see if these were fired. Head Constable Avinash Rai (CW-86) while appearing before the Commission stated that he had a carbine with him when he reached Kotkapura. HC Pardeep Kumar gunman of the SHO was carrying SLR, Ajnar Singh another witness carried an assault rifle. As per this witness (CW-86), when they reached at Kotkapura chowk after dropping the ladies the situation was completely peaceful. *Langar* was being served. On return when they preceded from hospital side towards the chowk the brick bats steadily started from the side buildings of the roof tops. This witness has further deposed that when they walked towards Kotkapura chowk, he was hit with a brick. CW-86 was told later by constable Ajnar Singh that he had fired to save him<sup>1</sup> (CW-86). He also learnt from the gunmen, who were heard talking about the manner in which they have saved CW- 86 by firing. This witness had also stated that he heard sound of firing from the side of chowk. Though Ajnar Singh (CW-200) has denied having fired but he would have very obvious reason to say so. The evidence of these police witnesses when examined in the light of the versions of witnesses who were present at Dharna and were injured would show that the police had opened fire at the chowk.

#### **EVIDENCE OF WITNESSES FROM PUBLIC DISCUSSED**

Number of civilian witnesses who were present at the Dharna appeared before the Commission. Bhai Panth Preet Singh Khalsa (CW-87) was the one who was statedly seen leading the dharna. CW-87 has stated that on the morning of 14<sup>th</sup> October, 2015 district administration insisted on lifting of Dharna giving alternative offer to the public to court arrest. Public sitting on dharna then agreed to

court arrest. In this manner dharna site was got cleared. CW-87 has gone on to state that all the panthic leaders clearly proclaimed and announced that dharna would be peaceful and the public sitting on dharna should not carry any weapon. Their demand was that the persons responsible for the sacrilege should be caught and brought to justice. Since there is not much of difference in both, the versions till the situation went out of control, there may not be much need to make reference to the statement of CW- 87 till the stage differences have appeared. As per CW-87, they all decided to court arrest second time when the police officers assured them that they would pursue the investigation of sacrilege incident seriously. The process of courting arrest then started at about 5 a.m. on 14.10.2015. Again there is not much difference between both sides about the manner in dispute arose and the public thereafter declined to court arrest voluntarily. CW-87 states that the public started reciting *Path* when police came to arrest him. He (CW-87) lied down on the ground without showing any resistance when three SSPs and DIG got hold him to arrest. Some person , lied over him. The police without any warning commenced lathi charge. The police then resorted to use of fire arm. The injured civilian witnesses were evacuated by the public as there was no arrangement for any ambulance. This witness claims that if they had not evacuated the injured in time, loss of lives would have been there.

The version of CW-87 finds support from the statements of Harjinder Singh (CW-88). As per this witness, the police used water cannon throwing dirty sewerage water followed by use of tear gas, lathi charge and then opened firing. This witness was also booked under Section 307 IPC. Similar is the version of Harjit Singh (CW-89) about the use of water cannon while the protesters were doing Path. In addition, this witness has stated that all the shopkeepers were doing routine business and the shops were open. Protesters sitting on dharna raised no slogan and traffic was normal. On similar lines is the version of by Gursewak Singh (CW-90). In addition this witness has stated that when the police action started, he withdrew towards a street on one side and from there he had seen some bullet hitting the ground. Prior to this police had used water cannon and lathj charge. Satnam Singh (CW-91) is yet another witness who has given evidence in support of what has been stated by other witnesses.

Giani Kewal Singh Ex *Jathedar Takht Damdama Sahib* (CW-92) also appeared before the Commission and made a statement in detail giving account of the happenings at Kotkapura chowk. As per CW-92, he did not react much when he learnt about the theft of *Sri Guru Granth Sahib Ji* and left it locals to handle it but when the posters were affixed by the miscreants, he statedly got concerned about it. CW-92 then got in touch with Bhai Panth Preet Singh and others and came to learn about the decision of the public to hold dharna at Kotkapura. CW-92 has gone on to state that he and other Sikh Jathebandis were mainly concerned about the decision of Shri Akal Takht Sahib to grant pardon to head of Dera Sacha Sauda which happened on 24.09.2015. This witness had come to Kotkapura to participate in the 'dharna. He (CW-92) noticed that there was a great resentment in the public against the, action taken by the police on the night of 12/13.10.2015 by forcibly removing the protesters sitting on dharna and taking them to different police stations. CW-92 has further stated that perception of the protesters in general was that Sukhbir Singh Badal Deputy Chief Minister-cum-Home Minister with Sumedh Singh Saini, Director General of Police, had decided to get this dharna lifted forcibly. There was an apprehension in the mind of the public about use of force by the police. This witness has then brought out that at about 2.30 a.m. in the morning of 14.10.2015 he received a message that the police was seemingly ready to act. Prior to this, CW-92 had been sent to take rest at nearby place being old. He immediately reached the dharna site when called. CW-92 was assigned the duty of doing *JAPJI SAHIB Path* which he started. As this witness finished *JAPJI PATH* the police approached the leaders telling "*Government had declared the dharna unlawful and the public either should disperse/lift the dharna or they would be arrested.*" Seeing this attitude, collective decision was taken to court arrest giving no excuse to the police to use force on protesters sitting on peaceful dharna. CW-92 has then given details how the ladies and children were first removed followed by Jatha formed of various villages. While the arrests were being made, CW-92, started *Path of JAP SAHAB*. Differences then developed when the protesters declined to court arrest voluntarily. As per CW-92, he had hardly started the Path of Jap Sahib when police resorted to lathi charge followed by use of water cannon. CW-92 has further stated that he was hit so hard with the water that he was thrown towards the foot path with force of water. Two persons rescued him while the

police hit him with lathi on his back and chest. As per CW-92, the police was using lathi charge indiscriminately without any concern for anyone. Simultaneously, the police had opened fire. CW-92 has also expressed his apprehension about the involvement of RSS, *Dera Sacha Sauda* or some agency of the Government in the incidents of sacrilege. He has also spoken about the arrest of two innocent persons which, as per him, was to satisfy the public and has referred to the action of Deputy Chief Minister Sukhbir Singh Badal in holding a press conference disclosing that two persons had been arrested while stating that he was going to pray to the God for having succeeded in solving the incident of sacrilege. As per CW-92, this was primarily to divert the attention of the public from the real issue as this was found to be bogus cry and the Government had to release these two individuals arrested as they were found innocent.

Were two innocent persons arrested to make the issue die a natural death? At least CW-92 say so that it was done with this purpose. CW-92 has also made a grievance that police had not carried out any concrete investigation and has not been able to solve the incident of sacrilege in any manner. CW-92 has further stated that he did not see any civilian using weapon or pelting stones and that the police had used lathi charge when protesters objected against the forcible arrest of Bhai Panth Preet Singh. Private vehicles were put on fire or damaged by the police, says CW-92. He has also filed an affidavit giving details of all the happenings.

Sant Baljit Singh Daduwal (CW-94), who was appointed as *Jathedar Takht Damdama Sahib* by *Sarbat Khalsa*, has also appeared before the Commission to make his statement. He had associated himself and had helped the police when 'SAROOP<sup>1</sup>' of Sri Guru Granth Sahib was stolen from village Burj Jawahar Singh Wala Gurdwara. This witness has stated that the police had searched for the 'SAROOP' but without any success. A committee of some religious Sikhs Was also constituted to help the police in carrying out their inquiries. CW-94 has brought out that committee had expressed its strong suspicion against one Gurdev Singh of Burj Jawahar Singh Wala who was having a shop in front of the Gurdwara. His grievance is that despite this, the police did not carry out any investigation from this person named by the coiVimittee. One member of this

Committee has filed lengthy affidavit giving details of inquiry made by the committee. This witness has made a serious grievance that the police instead of acting against suspect Premis started acting against him and other panthic public protesting against the incident of sacrilege and against the inaction of the police. **If now seen on hindsight the case of sacrilege could have been solved then if the police had questioned suspect Gurdev Singh, who is now found to be involved in the case of the theft of 'SAROOP'.**

CW-94 has further mentioned about the act of head of Dera Sacha Sauda imitating 10<sup>th</sup> *Guru Shri Guru Gobind Singh Ji* for which a case was registered against him but was subsequently withdrawn. The witness has then Stated that the complainant was not allowed to pursue appeal before higher courts. The grievance of this witness further is that the case against the head of *Dera Sacha Shuda* was withdrawn on the promise of getting political support from him. CW-94 has also made a mention about the pardon granted to the head of *Dera Sacha Sauda* on 24.09.2015. This witness has brought out the procedure which *Akal Takht* is required to follow as per traditions while granting pardon to any person who had committed any religious mis-conduct. As per CW-94, no one can be allowed pardon without appearing before the *Akal Takht*. As per *Maryada* (Tradition), says CW-94, person accused of religious mis-conduct has to apply admitting the mis-conduct and then he is summoned before five *Jathedars* for the due consideration of his offence/mis-conduct and then decision is taken to grant him pardon or not. The manner in which head of Dera Sacha Sauda was granted pardon was unprecedented, says CW-94.

CW-94 has then mentioned about the affixing of posters and his reaching Kotkapura to participate in dharna for which he had come back to India by cutting short his foreign trip. He has made a mention about the presence of IGP Paramraj Singh Umranangal, DIG R.S. Khatra, DIG Amar Singh Chahal, SSP S.S. Mann and SSP Charanjit Singh Sharma. Having made his statement about the protesters agreeing to court arrest and subsequent differences which developed, the witness has stated that he could see the police getting ready to act while putting helmets and other protective gears while encircling the protesters sitting on dharna. **This gets confirmed from the CCTV footage now available with the Commission.** CW-94, has also stated that Bhai Panth Preet Singh told the protesters to remain peaceful and asked them to leave their kirpans or other weapons in their respective vehicles. He has also lend

full support to the version of Giani Kirpal Singh and other witnesses about the protesters reciting Path when the police commenced its action with lathi charge followed by use of water cannon. This witness (CW-94) has stated that he was sitting on one side and somebody came and forcibly lifted him and put him into a private bus. 52-55 other persons were also put in this bus in this manner. While sitting in the bus this witness could see that the police had opened fire with A.K.47 and other rifles. He could hear the sound but could not see persons using the weapons because of commotion. CW-94 has gone on to state as to what had happened subsequently and how the people came out in a street to make the entire State stand-still. He has also mentioned about two innocent brothers being arrested when Deputy Chief Minister Sukhbir Singh Badal and ADGP Sahota held a press conference. As per this witness, Deputy Chief Minister Sukhbir Singh Badal had stated that he was going to Gurdwara Nada Sahib to express his gratitude that the culprits had been arrested. CW-94 states that public did not believe that these two persons were involved. Deputy Chief Minister even spoke to CW-94 from the phone of his OSD Charanjit Singh Brar telling us to end dharna. CW-94 has also expressed that the Government has shown the arrest of these two persons to tide over their inefficiency and to mislead the public.

Gagan Preet Singh (CW-96) is another witness who had gone to Kotkapura and had done langar sewa of tea. He was present in the morning of 14<sup>th</sup> October, 2015 and saw police force gathered there in large number. As per him, the police came forward and started dragging the protesters. Upon resistance shown by the protesters, the police resorted to lathi charge followed by use of water cannon and tear gas shells. When he tried to escape to his house, police caught him and gave him beating with danda saying that he was the one serving langar. He was taken to the police station when his turban was intact which the police had removed from his head. The police caught hold of this witness from his hairs and took him inside the police station. He got saved as he was from Kotkapura and the local police officers knew him. He suffered a fracture on his nose and various injuries on his legs and thighs. He produced

photographs to show his injuries. His mother also appeared as witness to support him fully and that she had taken him (CW-96) to the hospital in an ambulance from the police station.

Ranjit Singh (CW-125) has appeared to state about his injuries and that he was badly beaten by the police which had also opened fire at Kotkapura chowk. He has also produced photographs to show his injuries. Bhai Sukhvinder Singh Majo Khera (CW-126) has stated about the lathi charge by the police and opening of fire at the chowk. Puran Singh (CW-147) has also filed an affidavit about the beating given to him and he having suffered a fracture of his arms for which he was treated at Medical College, Faridkot.

Then there is a statement of Ajit Singh (CW-148) who had received a bullet injury at Kotkapura chowk. A bullet hit his thigh piercing through one thigh and hitting the second thigh. He received treatment at Medical College Faridkot and subsequently at DMC, Ludhiana. The doctor who treated him has also appeared before the Commission. In this background and the action seen on CCTV footage leaves no manner of doubt that version given by the civilian witnesses has credence whereas the police version appears to be rehearsed and tutored one. The doubt in this regard, if any, can be set at rest after examining the CCTV footage which is now available with the Commission. Detailed reference to this footage from all the four cameras fixed at Jaito Road, Faridkot Road, Moga Road and Muktsar Road, has been made in later part of this report.

*It is clear that CW-148 received a fire injury on his thigh when he was standing in the chowk. The public statedly was sitting peacefully doing Path and apparently there was no reason for the police to use force. CW-87 and some other leaders were booked under Section 307 IPC but no action followed thereafter. Till date, no case is registered regarding the serious bullet injury which Ajit Singh (CW-148) suffered at Kot Kapura chowk. Strangely police witnesses are expressing ignorance about it. It is obviously with purpose of hiding the factum of firing at the chowk.*

#### **RESPONSIBILITY FOR ACTION AT KOTKAPURA**

The incident of sacrilege was such that the public was bound to react in the manner it did. The added cause for the public to brim with anger was repeat of the incidents of sacrilege and the police remaining clueless to find any lead. Scattering/throwing pious ANGS of holy *Sri Guru Granth Sahib Ji* proved to be a last straw adding to helplessness of the public beyond controllable limits. The decision of the public which had gathered at

village Bargari to lodge peaceful protest by sitting on Dharna cannot faulted on any ground. Still, it would be appropriate to notice that the senior officer present at village Bargari did not apparently make sufficient or sincere efforts to talk or interact with public to convince them not to proceed to Kotkapura. SSP Mr. S.S. Mann and DC Mr. Jaggi remained present outside Gurdwara Bargari on 12.10.2015 but the other senior officers choose to confine themselves at Police Post Bargari instead of facing the situation at Gurdwara. It is regrettable to notice, as it has come before the Commission that the police force at police post Bargari remained busy in attending to the fancy demands of senior officers like black coffee, green tea or snacks. Sufficient efforts were not made to either convince or to take other effective steps to stop the move of sentimentally hurt feeling of agitated public; Result was that the protesters came and sat on Dharna at Kotkapura.

Seeing the subsequent events unfold it can be said that still nothing was lost. It is not unusual for the public to sit on Dharna to protest against some justified cause and it is a legitimate legal right. There could not have been better cause for the public to protest against the incidents of sacrilege of their holy *Sri Guru Granth Sahib Ji*. People had been holding protest and blocking road affecting traffic for frivolous demands and causes. Almost all the civil witnesses appearing before the Commission carried a serious grouse that the police took no action against *Premis* (followers of *Dera Sacha Sauda*) when they sat on Dharna and blocked roads protesting against the non release of movie 'Messenger of God' produced by their Dera head in which he had acted as well. This grouse of public protesting against a cause relating to sacrilege of their holy *Granth*, cannot be said unjustified. Why was police so keen to get this dharna lifted if it had taken no such action against earlier Dharna by *Premis* would beg an answer. It is in the evidence of Sh. Sukhdev Singh DSP (CW-59) that police took no action to disperse



Premis when they sat on Dharna against one actor who had imitated Dera Head. Shri Charanjit Singh Sharma (CW-83) was candid enough to state that the police was under instructions not to take any action against *Premis* when they sat on dharna. CW-83 had this to say:-

"Question by the Commission

*Q. It is the biggest grouse of the Panthic Jathebandies and Sikhs that they were beaten and made to lift dharna whereas no action was taken against Premis who sat on dharna for release of their film MSG?*

*Ans. There were instructions from the Government that the police was not to take any action against them."*

If this trivial cause was enough for the Government to tell the police not to take any action, there cannot be any justification for the police to insist with the protesters sitting on Dharna at Kotkapura to lift the same. It may also indicate that police may have acted under instructions from the Government/DGP to lift this Dharna, if such like instructions to act against Dharna were being issued. If the police had not taken this ill advised action to use force in lifting the dharna, nothing would have happened and the whole situation would have passed off peacefully without any trouble.

The responsibility of action of Kotkapura squarely lies with the police which took action to forcibly evict the protesters sitting on peaceful dharna. The police had not acted in a wise manner while resorting to unnecessary action at Kotkapura chowk. The compulsion on part of the police apparently was due to pressure from the Government/DGP Mr. Sumedh Singh Saini, who was keen to get the dharna lifted for some reason or the other.

### **FINDINGS ABOUT OFFICIALS RESPONSIBLE FOR ACTION AT KOTKAPURA**

Having determined that police had acted in unwise manner to get dharna lifted forcibly at Kotkapura, let us now see who all can be held accountable in this regard. First thing to be seen is as to who was in the command of the police force at Kotkapura. Some of the witnesses who appeared before the Commission have named Shri Jitender Jain as IG Bathinda zone and making him overall in-charge for action at Kotkapura. Shri Jitender Jain (CW-74) has been rather vehement in emphasising that he was not present at Kotkapura in his capacity as IG Bathinda zone as he had not taken over the said appointment when action took place at Kotkapura. As per CW-74, he was serving as IGP (Intelligence and Counter Intelligence) Bathinda with additional charge of IG Vigilance Bathinda at the time of incident. This witness states that he had moved to Faridkot and then to Kotkapura on his own and had reached Faridkot in order to receive ADGP; (Law and Order) with whom he had moved to villages where incidents of sacrilege had taken place. He states to have briefed ADGP, (Law and Order) about the situation which had developed after the incident of sacrilege. He has also spoken about his role as IG Intelligence and Counter Intelligence. As per CW-74, the *Granthi of Gurdwara, few dera Premis*, hard liners and normal criminals of the area were in the zone of suspicion. It will, thus, be seen that this officer has taken shelter behind his appointment as IG Intelligence to escape from the blame coming to him.

As per the evidence on record, he had taken over as IG Bathinda zone on the afternoon of 14.10.2015. It is fact that he was hardly seen at the scene of dharna at the chowk. The evidence shows that he was sitting in the police station and keeping watch on the monitor. Stated stand by him in this regard is that he was collecting intelligence inputs from the various places while sitting in the police station. It has also come in evidence that CW-74 came out of the room in the police station on hearing commotion and his foot got struck into barbed wire due to which he fell down breaking his left shoulder. He was, therefore, evacuated for treatment. This version of CW-74, in his affidavit finds some support from the evidence of various witnesses as well.

CW-74 was also served with notice under Section 8(B) of Commission of Inquiry Act when he appeared and filed detailed affidavit primarily to show that he was not IG Bathinda zone and was neither responsible nor incharge of the operation at Kotkapura. In his second affidavit, he has clearly mentioned that IG Paramraj Singh Umranangal had been deputed straight from the headquarters on 12.10.2015 itself for law and order duty. This witness has also mentioned that there was no orders from the headquarters that Mr. Umranangal would report to him (CW-74). Thus, he has claimed that he had no authority to issue command to Shri Umranangal. CW-74 would also claim that he had no jurisdiction or authority to issue any such orders which were being issued straight from the headquarters. He has placed on record his charge relinquishing report as IG Intelligence on 14.10.2015 forenoon and his charge taking report in the afternoon on 14.10.2015 and that he was on medical leave from 14.10.2015 to 26.10.2015. In support of this plea, he has relied on his confidential report where all these facts are mentioned showing that he was assessed accordingly for this periods. CW-74 admitted that he was monitoring the movement at the chowk but from intelligence point of view where Divisional Commissioner, and Deputy Commissioner, Faridkot had also come and had seen the monitor. The witness states that Sh. Paramraj Singh Umranangal was physically present at the chowk and was seeing the happenings and was personally supervising the entire operation.

Interestingly, CW-74 has brought out that he gave inputs that the matter be resolved through talks as earlier dharna was lifted through talks only. He (CW-74) has then stated that after resumption of dharna on 13.10.2015, no dialogue could be opened as no one from the protesters came forward for the talks. Efforts made by field police officers on the night of 13.10.2015 for arranging dialogue of the protesting leaders with ADGP, (Law and Order) at Kotkapura police station bore no fruits. Talks only could be held by field officers in the morning of 14.10.2015. This would show that ADGP (Law and Order) had come there to tackle the situation arising out of dharna at Kotkapura.

This witness has then gone on to explain what action he had taken in regard to investigation of the FIR in connection with the sacrilege incident in Bathinda zone. The

reference of this would be made while taking up the role of police officers in regard to investigation of the incidents of sacrilege. In reply to question by the Commission this witness stated that he did not receive any instruction from the DGP regarding the manner of handling the situation at Kotkapura though he did receive a call from DGP Shri Sumedh Singh Saini when he briefed DGP about the strength of crowd, their leaders and their demand. CW-74 had also apprised Sh. Rohit Chaudhary to handle the situation with patience. Witness expressed his ignorance if any instruction had been received from DGP or ADGP Shri Rohit Chaudhary for Umranangal or SSP, Faridkot. He, however, has stated that later he came to know that most of the officers present at Kotkapura were in communication with headquarters (meaning DGP). CW-74 has attempted to save himself on technicalities. Apparently his presence may indicate something more than what he has stated. It is difficult to accept that he was there to gather intelligence only. However, he is not seen in control of the situation or action taken at chowk Kot Kapura.

Shri Umranangal (CW-95) in turn has also tried to palm off his responsibility for the action on the ground that he was just asked to be present there and was not in charge of the operation. CW-95, otherwise admitted that he was detailed by DGP Sumedh Singh Saini to proceed to Kotkapura where law and order problem had taken place. This witness had earlier remained as IG Bathinda zone and during his tenure the theft of Sri Guru Granth Sahib Ji had taken place at village Burj Jawahar Singh Wala. As per CW-95, responsibility to trace the culprits of this crime was that of the then SSP, Faridkot Sh. Charanjit Singh Sharma. This witness had constituted a SIT to investigate the incident. This witness could not show if he had ever sought report about the progress of the case from this SIT. Irony is that this SIT did not meet even once. No wonder police was unable to trace the crime till some real efforts are made now.

It is in evidence that CW-95 was detailed by the DGP to proceed to Kotkapura which message he had received at about 2.30 pm on 12.10.2015. CW-95 reached Kotkapura in the evening and found Jitender Singh Aulakh (CW-210), the then Commissioner of Police, Amritsar also present there. CW-210, belongs to village Bargari and his father had remained sarpanch of the village. Though CW-95 has claimed that he

was sent there to assist Mr. Jitender Jain but situation on ground does not stand in support of this assertion. CW-95 was the most active police officer and everybody is seen coming to him for consultation in the chowk. This can be seen clearly from the CCTV footage which has been received by the Commission. He has also admitted that he had informed DGP Sumedh Singh Saini when the dharna was lifted on the night of 12/13.10.2015. When the protesters again sat on dharna, CW-95 was called back and reached Kotkapura. This time he conveyed the direction of DGP to Charanjit Singh Sharma to reach Kotkapura. He had met ADGP, (Law and Order) on 13.10.2015 and admitted to have participated in the press conference along with ADGP (Law and Order) on 14.10.2015. This witness had sought time to produce a recording to show that SSP Mansa was attacked with sword which he did and the same was seen by the Commission. It cannot be clearly seen if SSP Mansa was attacked with sword rather it is seen in the CCTV footage that SSP Mansa is seen hitting a person with *donda* (stick). The assertion by CW-95 that he was sent to assist CW-74, is belied from what he had said during press briefing on 14.10.2015.

Very strangely CW-95 has stated that decision to use force at Kotkapura was not his and he was not aware who had taken this decision. He was senior most officer present at the crucial time at the chowk.' Not only this, he is constantly seen speaking with someone on telephone throughout the duration of the operation. Senior officers are seen coming to him very frequently and were seen with him before proceeding to arrest Bhai Panth Preet Singh. SSPs are seen approaching CW-95 and after consultation, are seen proceeding to take action. His version that he is not aware as to who had taken decision to use force to get the dharna lifted, thus, lacks credence and cannot be accepted. Since CW-95 was continuously seen talking on the telephone and, thus, it is obvious that the instructions, if any, were being received by him which were being passed on to the officers to act in that particular manner. The witness admits that he had given report to the DGP when chowk was cleared of dharna on the morning of 13.10.2015. It is felt that nothing would have gone wrong, if the police had not taken action to forcibly remove the protesters. There were no reasons to do so.

In fact the version of Charanjit Singh Sharma (CW-83) would reveal the cat out of the bag. This witness has stated that IG Paramraj Singh Umranangal had shared the instructions

received from DGP with the officers that they were to get dharna lifted as he (DGP) was having a fear that there may not be Hindu Sikh riots in the town which was a Hindu dominated area and Hindus may suffer the consequences. CW-83 further cemented this version that police was acting: as per the instructions of Shri Paramraj Singh Umranangal who received instructions from DGP Sumedh Singh Saini. CW-83 went on to state that on the morning of 14.10.2015 decision was taken to arrest the protesters and in case they were not ready for the same, then saints leading the dharna were to be arrested. This will explain the action to catch Bhai Panth Preet Singh. CW-83 has also stated that all these instructions were received either by Shri Paramraj Singh Umranangal or SSP Faridkot. According to him, IG Jitender Jain had virtually no say and was a spectator like others and all instructions were being received by IG Paramraj Singh Umranangal. CW-83 also confirmed that SSP S.S. Mann spoke to Deputy Commissioner and had called him at Kotkapura at middle of night. CW-83 has further stated that Paramraj Singh Umranangal might have spoken to someone when he came With the instructions that the saints were to be arrested. CW-83 was one of the senior officers along with SSP S.S. Mann and SSP, Mansa who had gone ahead to arrest Bhai Panth Preet Singh. He (CW-83) has narrated how the situation turned ugly. It is, thus, clear that the operation at Kotkapura ehawk was under the charge of Shri Paramraj Singh Umranangal and he was a conduit between the DGP and the action which was taken to get the dharna lifted. The doubt, if any, in this regard can be set at rest from the Press briefing done by Mr. Paramraj Umranangal where he is heard claiming how he had deputed all the senior officers and about happenings at Behbal Kalan. Otherwise the version of CW-83 is required to be examined with care and caution.

Though the senior officers had tried to remain evasive in regard to the instructions which might have been conveyed by DGP but some of the junior officers were more forthright in this regard. One officer who was present at Kotkapura and was ready to speak the truth in confidence while keeping his name secret. On this assurance by the Commission, he has stated that all the officers present there at Kotkapura were not interested in taking any action at Kotkapura chowk and it was only upon the directions from the DGP, which they could over hear, when the officers were talking amongst themselves, that they were forced to take this action to get the dharna lifted by using force.

As already noticed, the Deputy Commissioner (CW-9) had received a call at 1 p.m. from SSP, Faridkot to reach Kotkapura. C.W-9 had tried to contact the authorities at Chandigarh but receiving no response he had sent SMSs to various officials. Deputy Commissioner (CW-9) then spoke to Divisional Commissioner and they both decided to call the local MLA Mantar Singh Brar (CW-175). All the three officers tried to contact the Chief Minister. Sh.Mantar Singh Brar has stated before the Commission that he made an attempt to talk to the Chief Minister but could not get in touch with him.' He has not come out with complete truthful details in this regard.

Mr. V.K. Syal (CW-252), the then SDM-cum-DTO, Faridkot has stated that DC called him at about 1 a.m. on 14.10.2015 telling him to reach the residence of Divisional Commissioner, Mr. V.K. Meena. As per CW-252, on the asking of DC, Mr. Mantar Singh Brar spoke to Mr. Gagandeep Singh Brar (CW-242). Thereafter, he also got in touch with CM through Gagandeep Singh Brar's phone. CW-252 then heard Mr. Mantar Singh Brar telling the Chief Minister that situation at Kotkapura was alarming and if the protesters were not dispersed, the number could swell into thousands. As per CW-252 after finishing his call, Mr. Mantar Brar, was heard saying that CM was passing necessary direction to the then DGP. Call details of Mr. Mantar Brar (CW-175) with Mr. Gagandeep Brar and Mr. Sumedh Saini would show that CW-252 has given truthful account. The version of CW-175 that he had expressed strong reservation with the proposal to use force to lift Dharna or that situation be controlled in a peaceful manner like it was done in case of *Premis* seems an afterthought and made up one. His further version that DC tried to contact someone but he did not hear him talking to anyone and he had suggested that the force be not used to lift dharna may not inspire confidence. However, his appreciation about general perception that situation could have been handled better and no need of action to use force reflects correct sentiments.

Evidence shows that the officers like S.S. Mann, Charanjit Singh Sharma and Raghbir Singh had gone to arrest Bhai Panth Preet Singh. From the assessment of the evidence it can be made out that instructions were being conveyed to the police through IG Paramraj Singh Umranangal by DGP Sumedh Singh Saini. The police officers on the scene were not in favour of using force to get dharna lifted but were under instruction to get the dharna lifted even if use of force was needed.

The fact that Mr. Paramraj Singh Umranangal was in constant touch with DGP Sumedh Singh Saini would come out clearly from the details of telephone calls between them at the crucial moments on the morning of 14<sup>th</sup> October, 2015'. The details of telephone calls were received in the office of Commission on 01.11.2017 through some anonymous source. On the basis of call details a communication was addressed to Shri Sumedh Singh Saini on 22.11.2015 informing that there were long duration calls between telephone numbers 0172-2778788 (which was installed at the house of Mr. Saini) and 0172-2548888 (installed in the office of Mr. Saini) with mobile number 7508800001 used by Mr. Umranangal. There were long duration calls between mobile number 9780213141 and the mobile number 7508800001. Phone numbers 0172- 2548888 and mobile number 9780213141 were being used by Mr. Sumedh Singh Saini during the relevant time as per the record assessed by the Commission. An opportunity was afforded to Mr. S.S. Saini on 22.11.2017 to file response by 5<sup>th</sup> December, 2017. It had already been made clear to Mr. Saini that the Commission may draw adverse inference if no response was received from him. Even Mr. Umranangal has been recalled to confront him with call details when he has admitted that he had so spoken to Mr. Saini. He had earlier remained evasive in this regard by stating that he spoke to Mr. Jain and ADGP (Law and Order).

Section 114 of Evidence Act provides that Court may presume the existence of any fact which it thinks likely to have happened regard being had to common course of natural events, human conduct and public and private business in their relation to the facts in particular case. Illustration (b) of Section 114 of the Act provides that the Court may presume that if a man refuses to answer a question which he is not compelled to answer by law, the answer if given would be unfavourable to him. Since Mr. Saini has



failed to respond to the queries advanced to him, the Commission is well justified in law to draw adverse inference and presume that refusal by Mr. Saini means that answer being given would have been unfavourable to him. The Commission can hold that Mr. Umranangal and Mr. Saini were in constant touch and Mr. Umranangal was acting as per the directions issued to him by Sumedh Singh Saini the then DGP. The details of the call duration are given as under:-

Call details of Sh. Umranangal with DGP

Sr. No.	Date	Time	Duration	From	To	Type
1.	14.10.2015	4.01.30	73 seconds	7508800001	0172-2778788	Call
2.	14.10.2015	4.09.35	248 seconds	0172-2778788	7508800001	Call
3.	14.10.2015	4.14.34	110 seconds	0172-2778788	7508800001	Call
4.	14.10.2015	4.17	97 seconds	0172-2778788	7508800001	Call
5.	14.10.2015	4.21.50	68 seconds	0172-2778788	7508800001	Call
6.	14.10.2015	5.03.09	20 seconds	0172-2778788	7508800001	Call
7.	14.10.2015	5.04.47	286 seconds	0172-2778788	7508800001	Call
8.	14.10.2015	6.18.02	416 seconds	0172-2548888	7508800001	Call
9.	14.10.2015	6.26.20	120 seconds	0172-2778788	7508800001	Call
10.	14.10.2015	6.37.26	167 seconds	0172-2778788	7508800001	Call
11.	14.10.2015	6.44.12	290 seconds	9780213141	7508800001	Call
12.	14.10.2015	6.51.31	313 seconds	9780213141	7508800001	Call
13.	14.10.2015	6.57.44	127 seconds	7508800001,	9780213141	Call
14.	14.10.2015	7.01.35	120 seconds	9780213141	7508800001	Call
15.	14.10.2015	7.06.51	53 seconds	9780213141	7508800001	Call
16.	14.10.2015	7.12.44	84 seconds	9780213141	7508800001	Call
17.	14.10.2015	7.25.55	210 seconds	9780213141	7508800001	Call
18.	14.10.2015	7.32.58	202 seconds	9780213141	7508800001	Call
19.	14.10.2015	7.45.30	91 seconds	9780213141	7508800001	Call
20.	14.10.2015	9.23.14	65 seconds	9780213141	7508800001	Call
21.	14.10.2015	10.54.25	104 seconds	7508800001	0172-2548888	Call
22.	14.10.2015	11.39.18	112 seconds	0172-2778788	7508800001	Call

As already noticed, some of witnesses who appeared before the Commission were ready to disclose facts if their names were not revealed. They have confirmed this fact that it was the direction from DGP that police took action to lift dharna by using force. From the evidence it can be made out that SSP Faridkot S.S. Mann had received instructions to get the dharna lifted at middle of night. It is on record that he spoke to the Deputy Commissioner at that time. This fact is not even denied by SSP Faridkot. The evidence shows that D.C. (C.W-8) had then contacted the Commissioner Mr. Meena and the MLA of the area (CW-175). All three tried to contact Chief Minister at Chandigarh. Though they all have maintained that they did not succeed in talking to the Chief Minister but CW-252 has now spilled the beans by stating that CW-175 had spoken to Chief Minister at that time. Slightly different facts are stated by witnesses who spoke to the Commission in confidence. **They have revealed that some time at middle of night contact could be established with Mr. Gagandeep Brar (CW-242) who made the Chief Minister to speak to CW-175. Call details shows that CW-175 spoke at 2.28.55 a.m. for 81 seconds from phone number 9815554054 (of Mantar Brar) with phone number 9815800008 of Mr. Gagandeep Brar (CW-242). This witness would state that when apprised about the situation and proposed action by police. Chief Minister had agreed with district administration that police should not use force to lift dharna and the protesters be allowed to continue with dharna. As per this witness this situation changed when a message Was received on the phone number 9815554054 of CW-175 to talk to DGP. DGP spoke from his phone number 0172-2778788 thrice to phone number 9815554054 at 3.19.57, 3.22.05 and 5.59.42. a.m. These call details were of duration of 46, 838 and 537 seconds. DGP had statedly conveyed in no uncertain terms that they should not bother much and he will get the dharna site cleared within ten minutes. This is what had resulted in action by police to use force at Kotkapura to lift dharna. The decision to use force to lift dharna came from the DGP and it was obeyed by the local police officers at ground against their wishes, without giving due consideration to the views of the district administration. In fact there were 4 calls between Mr. Mantar Brar (CW-175) and Mr. Gagan Brar (CW-242) later.** This may indicate involvement of C.M.O.

Name of Mr. Gagandeep Brar, the then Secretary to Chief Minister was revealed by a witness speaking to the Commission in confidence as the one through whom Chief

Minister had contacted phone of Mr. Mantar Brar (CW-175). It is revealed that Mr. Gagan Brar had in fact gone to the house of Chief Minister at middle of night and then had made Chief Minister to speak to District Administration on the phone number of CW-175. Mr. Gagandeep Brar was summoned by the Commission but has blocked all the relevant questions addressed to him by the Commission by saying that he would not remember if he had received any call or if he spoke to anyone or if he had apprised the Chief Minister about the situation at Kotkapura. **Commission is of the considered view that this witness was in the know of complete details and has smartly taken shelter behind his memory loss.**

Something of such a serious nature happening at middle of night when senior functionaries are desperate to get direction, cannot be forgotten easily by anyone and specially by a person who had gone to the house of the Chief Minister for this purpose. The call details made from the mobile phone (No.9780039112) used by DC have now been obtained and are available as Annexure JX. This will not only show the number of SMSs sent to various officials by Deputy Commissioner but also contain the call details made by DC at the relevant time. DC had sent as many as 22 SMSs to Sh. Gagandeep Singh Brar (CW-242) on the night of 13/14.10.2015. Similarly DC had sent 21 SMSs to Mr. S.K. Sandhu, Principal Secretary to the Chief Minister and spoke to him on phone eight times between 6.38 a.m. and 7.54 a.m. on 14.10.2015. Deputy Commissioner had sent 23 SMSs to Sarvesh Kaushal, Chief Secretary, Punjab between 22.17 hours on 13.10.2015 and 9.04 a.m. on 14.10.2015. In one message DC had informed Chief Secretary that the police was wanting to lift Dharna by morning but he (DC) was of the view that the situation should be handled by negotiation. The Chief Secretary had in turn sent only one message to DC that too in the morning at about 9 a.m. telling him to keep updating Principal Secretary, Home. As per DC, he had then updated Principal Secretary, Home. How could Chief Secretary afford to remain unconcerned and it calls for serious concern.

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Once the details of messages and calls became available, the Commission had sent notices to Mr. Gagan Brar (CW-242), Mr. Mantar Brar (CW-175), Mr. S.K. Sandhu and Chief Secretary Mr. Sarvesh Kaushal to file their respective responses in this regard. Mr. Sarvesh Kaushal has stated that SMS got deleted after lapse of time and he is unable

to recall the contents of messages. He has not stated anything about message which he had sent with which he was confronted. Mr. S.K. Sandhu has also stated that he is unable to recollect the contents of these messages. Thus, they both have taken shelter behind their memory loss while not denying the fact that they had received messages from D.C. Toeing in Party line, Mr. Mantar Brar did make an attempt initially decline to respond by adopting the same language as was used by Shri Parkash Singh Ji Badal. Earlier, Mr. Brar (CW-175) had voluntarily made statement before the Commission while appearing on being summoned and had not taken this stand which was now taking. Commission had then sent him copy of the version of Mr. Syal (CW-252) which was that CW-252 had heard him speaking to the then Chief Minister. Changing his above noted stand CW-175 has filed his response without raising any objection. CW-175 has stated that CW-252 was biased and has attached copy of one LPA filed by CW-252 before the High Court in support of his plea. He has, thus, submitted himself to the jurisdiction of the Commission. All these stands taken by these officials are stands of convenience and are advanced by them to save themselves of any blame coming to them.

The details will show that CW-242 has not spoken truth. He made CM to speak to CW-175. Since CW-242 has not denied that he spoke to DC by expressing his inability to recollect this, the evidence on record through witnesses about these calls can be accepted as truthful. Once DGP spoke to District Administration or CW-175, it is obvious the Chief Minister had spoken to the DGP, who in turn proposed for lifting of dharna by force which direction he had already conveyed to the police. That being the factual position, it seems that the DGP had his ways and the Chief Minister also could not tell his DGP to desist from using force. Was the Chief Minister so helpless or that he agreed with the proposed action to use force to lift dharna. Later part seems more plausible.

There may not be a direct evidence available about exchange of talks between the Chief Minister and the DGP, but there are enough indication that they did talk to each other at that time. That being so, the DGP was required to be firmly told by the Chief Minister not to carry on with this adventure as was the view of district administration unless he was in agreement with DGP or he was of the same view. There

was no logic to lift Dharna by force. DGP Sumedh Singh Saini, was afforded more than one opportunity to respond to this evidence. On 24.10.2017, 12 queries were addressed to the DGP to respond by 6.11.2017 with clear direction that in the absence of response, the Commission may draw adverse inference on the issues on which he was given chance to respond. The queries addressed to him were as follow:-

*"Q.1-Was Sh.Rohit Chaudhary, ADGP (Law & Order) sent by you to Faridkot and if so with what purpose or directions?*

*Q.2-Was Sh.P.S.Umranangal to sent to Kotkapura, to take command of forces for taking any action?*

*Q.3-Were you in touch with police officer like Sh.Rohit Chaudhary, Sh.P.S.Umranangal, Sh.Jatinder Jain and DIG or SSP of the district deputed for police duties at Kotkapura between 12<sup>th</sup> Oct. 2015 to 14<sup>th</sup> Oct. 2015. If so, kindly name the officer to whom you were talking?*

*Q.4-What role or responsibility, Sh.Rohit Chaudhary, ADGP (Law & Order) was expected to perform and what for he was sent to Faridkot where he remained present for 3 days?*

*Q.5-Did you receive any inputs or suggestion from Civil District Administration as to how the situation of Dharna at Kotkapura should be handled?*

*Q.6-What are the responsibilities of the senior police officer present in the area as per SOP when police is required to take action. In other words whose responsibility it was to take charge of the situation at Kotkapura?*

*Q.7-Did you talk to anyone from civil administration of the District to convey as to how the police proposed to handle the situation?*

*Q.8-Did you convey your assessment about the situation at Kotkapura to the officer present at scene and told then how you proposed to handle the situation?*

*Q.9-Did you receive any instruction from the Govt, in regard to the manner of handling of Dharna at Kotkapura?*

*Q. 10-Did you convey any direction to the police officer handling situation at Kotkapura as to how they were to tackle the public sitting on Dharna?*

*Q.11-Did you convey any direction to the district police to disperse the public sitting on Dharna due to any intelligence inputs provided to you?*

*Q.12-TO whom all did you talk to on the night of 13/14 Oct. 2015 and what all direction did you convey at that time?*

*Any other input which you would wish to share with the Commission regarding the person or organisation which was in the area of suspicion about having committed the incident of sacrilege. You may recollect that one responsible administrator in the Govt, had made some press statement about foreign hand behind such incidents."*

Second opportunity was given to DGP on 22.11.2017 when he was also apprised about his prolonged call details on the morning of 14<sup>th</sup> October, 2015 with Mr. P.S.Umranangal. DGP Saini again failed to file any response. Still one more opportunity was afforded to Mr. Saini which has remained unanswered. Communication was even addressed to then Chief Minister Shri Parkash Singh Badal for providing relevant information/evidence. In response, he has declined to provide any information/evidence saying that his party has rejected the Commission. This is taken as method of evading reply to relevant queries.

A few days prior to this protest followers of *Dera Sacha Sauda* sat on dharna and had not only blocked the road traffic but had blocked the movement of the 'railways traffic as well. It is in evidence that the Government had issued instructions not to use force when *Premis* sat on dharna. CW-83, was rather categorical in regard to Government orders as already noticed. If that be so then why this time the police was so keen to get the dharna lifted? It was only due to direction of the then DGP or the Chief Minister. If only the police or the DGP had shown some patience, the situation could have been saved. Thus, DGP Sumedn Singh Saini cannot be allowed to escape responsibility for directing the police to get the dharna lifted forcibly. IG Paramraj Singh Umranangal, DIG Amar Singh Chahal, SSP S.S. Mann, SSP Raghbir Singh, SSP Charanjit Singh Sharma must share the blame for executing this avoidable action. They being senior officers ought to have conveyed their assessments to the DGP instead obeying his directions blindly. They were senior enough to

suggest a course of action when DGP Saini asked them to use force to lift dharna at Kotkapura. If the civil district administration could suggest for not using force then the police could have also done so. These officers even cannot put up defence that they carried out orders of the DGP or the Government unwillingly. The defence of this nature about obeying 'orders' of superior was rejected long ago during Nuremburg trials. Chief Secretary Mr. Sarvesh Kaushal, Secretaries to CM S.K.Sandhu and Mr. Gagandeep Brar have knowingly failed to furnish details known to them with purpose. Chief Secretary ought to have interfered affectively to save the situation.

It is also noticed that the police action at Kotkapura was not under any effective and proper command and control. Apparently the force summoned were not assigned any specific task. All were left on their own to act. This can be noticed from the CCTV footage now available. No one is aware as to who ordered use of water cannon. Even the person incharge of water cannon could not convincingly say who ordered him to start use of water cannon. No one was assigned any specific responsibility. SI Gurdip Singh SHO Kotkapura, who had statedly obtained these permissions to use water cannon, tear gas and firing was not present in the chowk at the time of action and use of these aids. At 6.21 a.m. he, with his force, was sent for patrolling the town using hooter to instil confidence in public and to warn any trouble monger as the police action was in the offing. This was done because police was going to take action to use force to disperse the protesters and the fear was that while leaving the chowk, protesters may not resort to violence. At 6.21 a.m. SSP S.S. Mann is clearly seen directing SI Gurdip Singh in the CCTV footage to leave and later is seen leaving the chowk with force from his police station. Thus, these police persons who states to have fired from police station city Kotkapura were not even present in the police station. They reached back only after the operation was over. No one was assigned the responsibility to give direction for use of water cannon, lathi charge or use of tear gas shells. It is also not clear as to who had ordered the police to open fire at Kotkapura chowk. The theory that the firing was done from the police station is found false.

When the versions given before the Commission by the witnesses are examined in the light of the CCTV footage from four cameras at the chowk, it would clearly show that the version given by the protesters is true and correct whereas the police version is padded one

and is not at all reliable on the core issues.

The Commission has now with it this clinching evidence. Justice Jora Singh Commission had made every effort to Obtain CCTV footage available with the police station Kotkapura recorded through cameras affixed on four roads leading from the chowk to different directions. The stand of the police before the said Commission was that no footage was available as a few days prior to the date of incident a truck had struck against the cameras and thus, these were not in working condition. Justice Jora Singh Commission in its report felt handicapped to reach a conclusive finding in the absence of this recording. Even all the senior police witnesses starting from Paramraj Singh Umranangal (CW-95), IG Jitender Jain (CW-74), DIG Amar Singh Chahal, SSP S.S. Mann, DSP Kotkapura have stated before the Commission that no footage of the cameras affixed at the chowk was available. It is only now that when ASI Jagdish Singh (CW-169) while appearing on recall has stated that after the use of water cannons there was some altercation between the public and the police forces which had come from outside district Faridkot where gunmen of senior officers were also present. As per (CW- 169), it was at that time that there was a firing in the chowk. This witness has further stated that he had seen the footage and that he was aware that the then SHO City Kotkapura, SI Gurdip Singh was likely to produce the same before the Commission.

SI Gurdip Singh, the then SHO City Kotkapura (CW-60) appeared before the Commission on recall and conceded before the Commission that CCTV footage was available and he had seen it, but stated that he could not procure the same since he had been posted out. He promised that he would produce the same before the Commission as soon as he was able to locate it. This evidence of CW-60 was contrary to his version given by him before Justice Jora Singh Commission. When his attention was invited to this aspect, CW-60 stated that earlier it was reported to him that the cameras affixed at the chowk had got damaged and on that basis he had given the answer before the



previous Commission. Later he came to know that the said report was not accurate and footage was available and that is why he has come out with the truthful statement - before this Commission now.

Out of blue, on 09.11.2017 the Commission had received one pen drive in a sealed cover through normal dak. On playing this pen drive it is found to contain the footage recorded by the cameras at Kotkapura chowk and is of one hour duration having recording of all the four cameras. The Commission had seen this footage and this clearly shows how the incident had commenced and who can be held responsible for the same.

Though the footage of one hour duration is available from all the four cameras but three minutes footage when the action was commenced till the protesters are dispersed is crucial. Action starts at about 6.46 a.m. and is over by 6.49/6.50 a.m. The Commission has minutely watched the CCTV footage from all the four cameras fixed at Kotkapura chowk. The footage of one hour duration starting from 6.00 AM and ending at 7.00 AM is separately available on one pen drive received through post showing activities from Faridkot, Jaiton, Moga and Muktsar road sides. As already noted, the actual action at Kotkapura was over at Kotkapura chowk within 3 minutes. What can be commonly seen from all the cameras can be noted in brief. Almost same movements are seen on all these cameras but from different angles. What is seen is as under:-

*"The relevant detail in this regard would show that the day light had appeared at about 6.18 AM when the pictures on the cameras turned to coloured one from black and white. SSP Faridkot along with his Gunman carrying assault rifles is also seen at 6.24 AM but otherwise all is quite till 6.28 AM. At about 6.24 a.m., police is seen encircling the protesters who are busy with their routine quietly.*

*At 6.28.11 AM, police is seen closing in. At this movement, DIG Mr. Khatra is seeing talking to DIG AS Chahal and then both proceed to the place where the protesters are sitting. SSP, Faridkot, SSP Mansa, SSP Moga and DSP Kotkapura had accompanied both the DIGs when they went to the protesters. DIG Khattrra and DIG Mr.Chahal along with SSP Faridkot are seen reaching the protesters. At*



6.30.19 AM, DIG Mr. Khottra is seen talking to the protesters like Bhai Panth Preet Singh. Mr. Chahal is standing behind wearing a civil dress. DSP Kotkapura is also seen nearby. On the other side, police is also seen closing in further at 6.31.30 AM. DIG Mr. Khatira is seen sitting down and talking to Bhai Panth Preet Singh while DSP Kotkapura is noticed standing. This is at 6.32 AM. Simultaneously, Mr.

Chahal is seen saying something while waving his hand at 6.33.06 a.m. DIG Mr. Khattra is seen getting up at 6.34.10 AM and all the officers are seen returning back to Mr. Umranangal standing on Moga road side. Police is seen further closing in at 6.35 AM. DIG Mr. Khattra, DIG A.S. Chahal and other officers who had gone to exchange talk with the protesters are seen reporting back to Mr. Umranangal at 6.35.07 AM. Discussion amongst the officers with Mr. Umranangal then continues up to 6.37.09 a.m. Mr. Umranangal is continuously seen talking on the phone even up to 6.38.50 a.m.

At 6.40.40 a.m., bus is seen entering the chowk while being reversed. Vajra vehicle is also seen standing nearby at that time. Bus is brought very near to the crowd at 6.42 a.m. while the officers are seen engaged in intensive talks. At 6.42.45 a.m. Police is seen coming forward towards the crowd almost in a charging position. From the Jaito road side camera, Mr. Umranangal is seen directing the police official to proceed further towards the protesters at 6.42.44 a.m. Commotion amongst the protesters is also seen from this side at 6.43.10 a.m. Some protesters are seen being assaulted and pushed towards PRTC Bus side at about 6.44.10 a.m. and a group of protesters are seen coming out of the pandal and are taken to the stationed buses at 6.44.20 am. At 6.44.11 a.m., police is seen catching Bhai Panthpreet Singh and others. Some of the protesters get up perhaps to see what is happening. Police is also seen start using lath charge. Soon thereafter at 6.44.49 a.m. use of water cannon starts. The crowd gets dispersed from the chowk with the force of water. At 6.45.40 a.m. police then is seen beating the crowd. At 6.46 a.m., some police personnel are seen beating the protesters while SSP Sharma is also seen using stick from camera fixed on Faridkot road side. Police is seen attacking Bhai Panthpreet Singh at

6.46.08 a.m. Soon thereafter, police is seen' lifting Bhai Pantpreet Singh. With the force of water thrown from water cannon vehicle, tent pitched by the protesters is seen partially uprooted. At 6.45.30 a.m. Riot control Vajra vehicle is seen appearing on the scene. The police is also seen dragging Bhai Panthpreet Singh when some protesters lied over him. With the use of water cannon, the police is also seen running from the chowk. At about 6.47.20 a.m., the protesters are seen returning to the chowk when the water cannon vehicle is seen losing its direction. The protesters are seen using stones. Some of the protesters are also seen with swords in their hands. At 6.48 a.m., one person is seen being evacuated by the protesters who apparently is seriously injured. At 6.48.40 a.m. smoke is seen. The protesters are seen returning to the chowk. During this' time, the protesters are also seen attacking the water cannon vehicle as well as the Vajra. The police had disappeared from the chowk when the protesters are seen in the chowk. Suddenly, lightening with fire is seen and at 6.49.10 a.m., protesters start running towards Muktsar road side while being chased by the police. The chowk is cleared of the protesters at 6.49.35 a.m. Police is entering the chowk at 6.49.50 a. m. First officer seen is SSP Faridkot with his gunman. His gunmen are seen firing in the very presence of SSP Faridkot. One gunman is firing in the air. At 6.50.20 a.m., only police officials are seen in chowk. Some of the constables are seen throwing stones on the protesters. More police officials are seen entering the chowk. Police is also seen catching hold and beating one protester in the chowk mercilessly. At 6.51 to 6.52 a.m., Vajra vehicle and tear gas vehicles are seen in the chowk. The Tear Gas vehicle is seen aimlessly firing tear gas shells without any purpose. At 6.49.27 a.m., one constable is also seen firing from SLR aimed and firing directly. At 6.52.27 a.m., Charanjit Sharma is seen in the chowk with his Gunman. His Gunman is seen firing in the air. At 6.53.20 a.m., the police is seen uprooting the tent and thereafter police is seen roaming around in the chowk aimlessly beating one protester with danda and rod. All the senior officers like SSP Hardy Singh Mann, Mr. Umranangal, Mr. Chahal, Mr. Charanjit Sharma are seen appearing on the scene. Mr A.S. Chahal and Mr. Khattra are seen giving

direction to the police officials. In one of the camera, Charanjit Sharma is seen with a assault rifle in his hand and is also seen emptying the rifle and then handing it over to his Gunman, in one camera Mr. A.S. Chahal, DIG, is seen with a revolver in his hand while one policeman (probably his gunman) with revolver facing upward in his hand is

*following Mr. Amar Singh Chahal wherever he goes. Mr. Amar Singh Chahal is also seen handing over his revolver to one person. Charanjit Sharma and other officials are seen indicating with their hand to someone present on the building top to come down. It can be noticed that persons who came down on indication are being given beating. This all has happened between 6.52 a.m. to 7.00 a.m. Thereafter, no footage is available. Between 6.48.35 a.m. to 6.50 a.m., lot of lightening is seen apparently with firing. When the crowd had returned to Kotkapura chowk after initial dispersal, some protesters are seen setting the Vajra vehicle on fire. Except for Driver of the Vajra vehicle, no police officer is seen being attacked by the protesters. In fact, as soon as the use of water cannon commenced, the police force is seen running away from the chowk for some undisclosed reasons and had appeared only while firing which is more noticeable on the CCTV footage from camera on Moga road side. From this side, the firing and lightening is seen intermediately from 6.49.16 a.m. to 6.52.48 a.m. The lathi charge which the police had initially done is also seen from Muktsar road side. When the police had returned to the chowk while firing, protesters are seen running helter skelter from the camera on Muktsar road side. In this manner, the chowk was cleared within 3 minutes. The action of the police in destroying/damaging the sound system lying in a white small tempo is clearly seen at 6.53.46 a.m. The police is seen putting this tempo on fire 6.58.45 a.m. This all is happening in the very presence of senior officers namely DIG A.S. Chahal, IG P.S. Umranangal. The police constables are seen destroying the music system by repeatedly hitting the same with force on ground."*

The story set up by the police that they had withdrawn to the police station is **clearly** rendered doubtful. This also certainly give a lie to the story set up by the police that it had opened fire from inside the police station city Kotkapura **when the** public had



come and had encircled the police station. Hardly any person is seen going towards police station side. When the police is seen entering the chowk while firing, hardly any person is seen running from Mogs road side. Some of the witnesses, have clearly given evidence contrary to this story of police that no firing was done from the police station but firing was done at the chowk. First break in this regard came when ASI Jagdish Singh (CW-169) stated that the firing took place at the chowk. He and other witnesses Gurdip Singh SHO Kotkapura have stated that they had fired while being present at Police Station City Kotkapura. The witness, who did not wish to come out openly, spilled the beans when he deposed before Commission in confidence. This witness has disclosed that story of police firing from the police station was invented as the police would have been unable to explain the sound of firing at the chowk which could have been heard being available on various recording of events by different 'channels. It was then decided by the police officers to project that police had fired from the police station city Kotkapura. In fact the firing was done at the chowk and not at police station. Even as per the information conveyed to the Commission by none from the police station had fired and it was a story put up to justify the police action at Kotkapura chowk. Even otherwise this story is rendered false when seen in the back ground of bullet injuries received by Ajit Singh (CW-148). Police cannot claim that bullet which had hit this person was fired from Police Station city Kotkapura when CW-148 was standing at the chowk. This witness has deposed that the police after encircling the crowd had resorted to lathi charge in the morning of 14<sup>th</sup> October, 2015 and had then opened fire. CW-148 went on to state *"one bullet hit on my right thigh and after piercing the thigh went and hit the left thigh. I was initially taken to Civil Hospital and from there was referred to DMC, Ludhiana where my leg was operated on. I have suffered permanent disability."*

CW-148 also pointed to the place on site plan of chowk Annexure DC/1 where he was present when bullet hit him. It was bang on the mount on the chowk. Dr. Ramnish Garg who treated this witness was also examined by the Commission as CW- 189. He gave out the entire procedure and the nature of injuries suffered by Ajit Singh (CW-148). As per CW-189, Ajit Singh was admitted with alleged history of gunshot injury. The injured Ajit Singh was 19 years old on the date of incident. When he

reached DMC, Ludhiana he was immediately taken up for surgery. With consultation, Dr. Rajiv Gupta and his team did repair femoral artery with vein graft and orthopaedic team did external fixation of fracture femur. Ajit Singh was shifted to DMC Heart Institute after operation. Later injured Ajit Singh underwent split skin grafting of leg wounds on 30<sup>th</sup> October, 2015, wound debridement on 13<sup>th</sup> November, 2015 and second suturing with grafting on 21.11.2015. This young boy has suffered a lifelong permanent disability. His helplessness and pitiable plight came out through his plea for some Govt, job when the Commission inquired from him as to what it could do to help him in life. It was very touching to notice helplessness on this young boy face so early in his life. Commission could see a ray of hope on his face when talk of help came from Commission. Something must be done to compensate him for this loss suffered by this young boy. Commission intends to separately recommend for adjusting this boy with a suitable job as per his qualification. CW-189 also opined that weapon used in this case was firearm. In this background the statements of the police witnesses that the firing was done from the police station is rendered false. The police witnesses are hiding the fact of firing at the chowk. All the senior police officers are, thus, seen hiding the truth before the Commission in this regard.

Injured Ajit Singh was first taken to hospital and it is in the evidence of Deputy Commissioner (CW-9) that he had seen this boy to have suffered a bullet injury in the hospital. He (CW-148) had suffered an excessive bleeding. As per the Deputy Commissioner, the injured was in a serious condition and if not treated immediately was likely to succumb to his injuries. The Deputy Commissioner (CW-9) has narrated in detail how he arranged his evacuation to DMC at Ludhiana after getting in touch with the hospital authorities in advance since earlier CW-9 had remained posted at Ludhiana. The life of this young boy (CW-148), was, thus, saved in this manner. It is clear that the police had opened fire indiscriminately at the chowk because of which the public got dispersed and the chowk was got vacated. Suffice it to say that action by police was unwarranted/unnecessary and the same was not at all required. What was the urgency or compulsion with the police to get the chowk vacated in this manner would defy logic. It has come out clearly from the evidence in this regard which is discussed hereinbefore. The responsibility of this incident is squarely that of the police and the police action in arresting Bhai Panth Preet Singh and others was a move not required and



not called for unless the police had some direction or compulsion to act in this manner. The public was sitting at dharna peacefully and was reciting *PATH*. It can be clearly heard in the various footage which are received by the Commission that the leaders sitting at Dharna were telling the protesters to remain calm and peaceful and further telling them not to retaliate in any manner. The responsibility of this incident, therefore, squarely lies with the police. Senior officers like Paramraj Singh Umranangal (CW-95), Amar Singh Chahal (CW-76) and some other officers are seen going up and down consulting each other thus giving clear indication of coming events about impending use of force to lift dharna. They were apparently acting under instructions from DGP/CM. They both have failed to respond and thus have been evasive. Drawing adverse inference against them in terms of Section 114 of the Indian Evidence Act, it can be inferred that police action to use force to lift dharna was directed by either of them and that is why they have evaded to file reply before the Commission. The copy of letter sent to Shri Parkash Singh Badal and his evasive reply are available on record. As already held the police is fully responsible for this action at Kotkapura which aggravated the situation leading to use of unjustified action to evict dharna followed by totally unjustified firing.

In short the police version is not found reliable whereas the side of protesters find support from clinching evidence in the form of CCTV footage. The responsibility for what happened at Kotkapura chowk was that of the police. Firing was done at the chowk and the responsibility for the same must also be shared by all senior officers present at the chowk like iG Shri Paramraj Singh Umranangal DIG Amar Singh Chahal, SSP S.S. Mann, and DSP Kotkapura along with all those who are seen firing from their respective weapons. Gunmen of SSP Faridkot are seen firing directly in his very presence. SSP Charanjit Sharma, is seen holding Assault rifle while he is emptying the same and handing it over to his gunman. All these officers and gunmen are held responsible for firing or not controlling the firing by police.

Police officer like Shri Sumedh Singh Saini, DGP, Punjab, Shri Paramraj Singh Umranangal, 1G Police, Shri Amar Singh Chahal the then DIG Ferozepur range, Shri S.S. Mann the then SSP Faridkot, Shri Charanjit Sharma (Retd.) the then SSP Moga, Shri Raghbir Singh, the then SSP Mansa, two gunmen of SSP, Faridkot, who can be identified from the CCTV footage, are held responsible for the action at Kotkapura. Though none of the police officer named herein before are seen using firearm except for some indication conveyed on the part of Charanjit Sharma (who was seen emptying Assault), but some gunmen are seen firing at the chowk. A case ought to have been registered for an offence under Section 307 IPC for attempt to murder and causing injuries to Shri Ajit Singh (CW-148) besides other offences for use of excessive force. It is strange that no case is registered regarding injuries to Ajit Singh (CW-148). The police seems to have purposely hidden this fact as all the police officers have expressed their ignorance about fire arm injury suffered by CW-148. The police has failed to take this action with purpose and design. They instead registered FIR under Section 307 IPC against various persons whereas number of senior officers are seen using criminal force against Bhai Panth Preet Singh. All the weapons used at Kotkapura like pistol/revolver carried by DIG Amar Singh Chahal and his gunmen and all the assault rifles used by gunmen of officers especially of SSP, Faridkot and SSP Moga should have been taken in possession for investigation to see if these were used and which bullet had hit CW-148. Nothing of this sort is done. It is total failure on the part of the police and is apparently done with intention and purpose to screen the offenders. It is high time now that the FIR is registered under Section 307 IPC and other offences made out for use of fire arm at Kot Kapura Chowk. After registering the case under Section 307 IPC and other offences, this case be properly investigated by some independent agency or independent and

dependable police officer of senior rank from outside the district Faridkot or even outside Bhatinda Zone. The weapon carried by all the police personnel seen with weapons at Kotkapura be called and got examined. This should also include the pistol/revolver carried by DIG Amar Singh Chahal and his gunman. The Assault rifles be also got examined. No investigation in this regard has been done so far. A case should now be registered and properly investigated and police person responsible committing the offences at Kotkapura be brought before justice.

### **DETAILS OF ACTION AT BEHBAL KALAM**

Police succeeded in getting the dharna lifted by use of force at Kotkapura by 7 a.m. The police continued to remain priding over their success. As per Sh. Paramraj Singh Umranangal (CW-95), a message was received at about 9/9.30 a.m. that Bargari Police Post was under threat. At that stage, he deputed Charanjit Singh Sharma (CW-83) to proceed to Bargari. CW-83 in turn told CW-95 that he was not having his force with him. Upon this, CW-95 deputed Ludhiana police force to accompany CW-83 to Bargari. Charanjit Singh Sharma (CW-83) has stated that he along with police force provided to him got struck at Behbal Kalan as protesters were found sitting on dharna on the main road Kotkapura-Bargari. As per CW-83, he had tried to convince the protesters to lift dharna, the same being unlawful, but the protesters did not agree and continued to sit on dharna. It is alleged that altercation took place between the police and the protesters and the police had opened fire leading to death of two persons and bullet injuries to some other persons.

The reasons now disclosed by CW-95 for which he had detailed CW-83 to proceed to Bargari are contrary to what CW-95 had stated in the press conference held on 14.10.2015. This change in versions of CW-83 and CW-95 would show that they have now come up with this story only to justify police action at Behbal Kalan and this version set up now cannot be believed.

There is a total contrast in the version of the police and the one offered by the witnesses from protesters side sitting on dharna as to how the police action commenced at Behbal Kalan. In order to analyse and to reach the truth one would first have to see whether the story put up by the police that CW-95 had sent CW-83 with force to Bargari or that this fact has been introduced just for the purpose of hiding the actual story which is that force was sent to Behbal Kalan only not to Bargari.

Number of witnesses from the protesters have stated that they were sitting on dharna at T junction point of main road Kotkapura-Bargari and link road leading to village Behbal Kalan. As per the evidence, the protesters had sat on dharna from 12.10.2015 onwards to protest against the incident of sacrilege wherein *ANGS of Sri Guru Granth Sahib Ji* were scattered in village Bargari. One need not stress much on the happenings from 12.10.2015

onwards till the morning of 14.10.2015. There is not much dispute between both sides that on the early morning of 14.10.2015 at about 5 a.m. DSP Jaito Jagdish Bishnoi (CVV-4) accompanied by SHO Baja Khanna Sub Inspector Amarjit Singh (CW-21) and SHO Police Station, Jaito Inspector Jasbir Singh (CW-5) along with their force had reached Behbal Kalan. At that time small gathering was noticed sitting on dharna on the main road. CW-4, CW-5 and CW-21 would maintain that they had spoken to the public and asked them to lift dharna from the main road. After getting the main road cleared of dharna these police witnesses statedly proceeded to village Bargari leaving ASI Parminder Singh (CW-57) with few constables to remain present at village Behbal Kalan so that public again did not come and sit on dharna on main road. CW-4, CW-5 and CW-21 have stated that they got the dharna at village Bargari lifted by persuasion. While they were present at village Bargari, a message was received that public again had come and sat on dharna at Behbal Kalan. CW-4 along with CW-5 and CW-21 returned to village Behbal Kalan with their respective force. They saw the public sitting on dharna on T junction. As per their version they made attempt to convince the public to lift dharna but remained unsuccessful.

While these witnesses were present with their force at Behbal Kalan, force from Fazilka under the charge of S.P. Bikramjit Singh (CW-65) also reached there. In his affidavit, CW-65 has clearly stated that he received direction from senior officers to reach village Behbal Kalan on Faridkot-Baja Khanna road immediately. He was further apprised that DSP Jagdish Bishnoi, Inspector Jasbir Singh and SI Amarjit Singh along with the force of Shri Harjinder Singh DSP Jalalabad was already present at Behbal Kalan and that the armed forces police as well as the police from the district were also present. CW-65 reached Behbal Kalan at about 10.30 a.m. Charanjit Singh Sharma (CW-83) reached Behbal Kalan after the arrival of CW-65. As per CW-65, CW-83 reached there accompanied by Paramjit Singh Pannu ADCP, Ludhiana, Tejvir Singh ACP Sahnewal, Inspector Harpal Singh SHO Police Station Ladowal, Inspector Devinder Kumar SHO Model Town, Ludhiana, Inspector Sandip Wadera SHO Division No.2, Ludhiana, SI Sukhvinder Kumar Chopra SHO PAU and Inspector Maninder Bedi Ludhiana, SI Mahinder Pal Incharge Tear Gas Ludhiana and also two QRT teams from Ludhiana along with SI Bhupinder Singh SHO Police Station Fathegarh Panj Toor, Inspector Pardip Singh from district Moga along with their gunmen. Why and what for he was sent with such 'LASHKAR' (force). It is not

possible to say that CW-83 happened to go that side as stated in the Press briefing. Why was it so stated and now a new twist.

As per the versions of all these witnesses, CW-65 and subsequently CW-83 and others had attempted to reason out with protesters to lift dharna but the protesters did not agree to the same. On reaching Behbal Kalan, CW-65 met DSP Shri Jagdish Bishnoi who apprised him about the situation wherein he had got the dharna lifted in the morning. CW-65 had tried to convince the protesters to lift dharna. After their unsuccessful attempt these police officers with their force stood there quietly and stately had tea which was being served as langar. The situation seems to have certainly turned ugly upon arrival of Charanjit Singh Sharma (CW-83). Though majority of the police witnesses have made an attempt to show that Charanjit Singh Sharma spoke to the protesters to lift dharna but something else seems to have happened on arrival of CW-83. If statement of CW-65 is examined, then it may give some indication in this regard. As per CW-65 when CW-83 told people to lift dharna, Surjit Singh Ex sarpanch responded by saying that he (CW-83) could not do anything while being SSP Faridkot and now was not permitting them to sit on dharna to protest against the sacrilege. CW- 65 has further deposed that public was agitated and saying that their *Guru Sri Guru Gronth Sahib Ji* has been desecrated. Though the police witnesses have consistently maintained that public started throwing brick bats when the situation turned violent but this cannot be believed and otherwise defy logic. If the public was sitting peacefully on dharna from 12.10.2015 onwards till about the time of this incident without creating any trouble and even had lifted the dharna in the morning, there was no reason for them to resort to any violence, if something of this nature has happened then obviously it would be in retaliation to action taken by the police. Again it is the statement of CW- 65, which may give an indication for the reasons for which the police had opened fire at Behbal Kalan. According to CW-65, Charanjit Singh Sharma along with one Head constable Surinder Kumar got trapped. Surinder Kumar was retrieved by the police and

so was the Charanjit Singh Sharma by his gunman and party. CW-65 has then stated that \* it is at this stage that firing had taken place. The evidence would show that sufficient number of force was deployed at village Behbal Kalan. What was the need to send so much of force to a viillage where protesters were not present in large number. Even DSP had got the dharna lifted earlier. As per the civilian witnesses about 400 police personnel were present at Behbal Kalan.

Charanjit Singh Sharma (CW-83) has filed his affidavit in detail and had also been served with a notice under Section 8(B) of the Commission of Inquiries Act. He was also examined in detail. He did not accept the evidence given by Shri Bikramjit Singh (CW- 65) that he was trapped and was saved by the police force. CW-83 even stated that he did not know Surjit Singh Ex sarpanch and he did not get trapped while withdrawing. As per CW-83, he boarded his vehicle while running when it was on move. He disputed the evidence given by CW-65 with which he was confronted. CW-83 put the entire blame for opening firing on QRT team Ludhiana. As per this witness, tear gas team had used tear gas without any orders. CW-83 was at his evasive best while replying to the questions by the Commission. He stated that Amarjit Singh (CW-21) was with him and when asked if he (CW-21) had opened fire from his weapon he stated that he got lost and did not remember this fact. He did not mention that QRT team from Ludhiana had opened fire and stated that S.P. Pannu may have directed the QRT team to use tear gas. He was confronted with the fact that as per his version SP Pannu remained with him. Upon this, CW-83 replied that SP Pannu got separated from him. CW-83 went on to state that all the SHOs who had come from Ludhiana police force were with him while he was speaking to protesters. When questioned if anyone from police had fired and his reply was rather revealing when he said that Inspector Harpal Singh had assault with him. Thus, he neither confirmed nor denied about the firing by Harpal Singh while giving hints that Inspector Harpal Singh might have done so. Evidence of CW-83, thus may not fully inspire confidence, as he is clearly seen wavering in his statement.

Let us first examine if the versions of police officials that Shri Charanjit Singh Sharma was sent to Bargari and not Behbal Kaian is correct or not. The reason given by Paramraj Singh Umranangal is that a message was received that police chowki at Bargari

was under threat. He had then deputed CW-83 to proceed to Bargari, thus, giving an indication that CW-83 was not sent to Behbal Kalan. This version does not appear to be correct and this is apparently introduced to show that police action at Behbal Kalan was a chance encounter and CW-83 with force was not sent to Behbal Kalan. It is obviously to save CW-83 and his party from the blame. The police seems to have forgotten to cover the false story from all angles. If this version given by CW-95 and CW-83 is accepted then how Bikramjit Singh CW-65 could have received message to reach to Behbal Kalan while threat was to police post Bargari. CW-65 had reached Behbal Kalan prior to CW-83. Obviously, the directions to CW-65 were issued prior to the directions' which were issued to CW-83. CW-83 was present at a distance of about 4 to 5 kilometres from Behbal Kalan Whereas location of CW-65 is not known. This seems to be a cooked up story. DSP Jalalabad Shri Harjinder Singh (CW-58), had received a message at mid night to reach Kotkapura. While he was enroute to Kotkapura, he received direction from S.P.(D) Bikramjit Singh (CW-65) to reach Behbal Kalan. Obviously, the direction to CW-83 was to go to Behbal Kplan and not Bargari. No one has spoken about requirement of force at Behbai Kalan. CW-58 had reached Behbal Kalan between 8.30 and 9 a.m. on 14.10.2015 with his force of about 100/125 police persons when other police force was present at village Behbal Kalan at that time. Within 10 to 15 minutes Shri Bikramjit Singh reached Behbal Kalan followed by Charanjit Singh Sharma (CW-83). CW-58 saw Charanjit Sharma talking to public asking them to lift dharna. As per this witness, public was telling him that the police had done nothing to catch the culprits. This witness had also a tea which was offered by the protesters sitting on dharna. He has then spoken about the trouble which began, about the firing of tear gas shells and then having heard the sound of fire. One thing is, thus, clear that if these witnesses had earlier been directed to reach Behbal Kalan instead of Bargari then the version by CW-95 and CW-83 cannot be accepted that he (CW-83) was told to go to Bargari and not to Behbal Kalan.

There is clear cut evidence which would demolish this line of story projected by the police. The entire basis of this story is a message which was received from Bargari that the police post was under threat. From the evidence it can be said that there was no threat to police post. As per the evidence of CW-4, CW-5 and CW-21, they had got the dharna lifted at Bargari in the morning and then had come to Behbal Kalan. SHO Jaito (CW-5) has brought out that



there was hardly a gathering of a few people at Bargari when he with others had gone there on the morning of 14.10.2015. As per evidence of CW-95, after receipt of this message he had spoken to Mr. Jagvinder Singh Aulakh father of Sh. J.S. Aulakh 1GP asking him to see if police post at Bargari was under any threat. When the Commission had visited village Bargari it had decided to interact with Mr. Jagvinder Singh Aulakh at village Bargari to know the correct position. Mr. Aulakh confirmed before the Commission that he had received this message from CW- 95 asking him to send a person and see if police post at Bargari was under any threat. Instead of sending a person Mr. Aulakh told CW-95 that he would go himself and see if there was any threat to the police post. Mr. Aulakh went to the main road where the police post was located and did not find police post under any threat. He saw few persons sitting on dharna but they were away from police post. Mr. Aulakh counselled them to maintain peace and they had agreed to maintain calm. Mr. Aulakh had accordingly informed Mr. Umranangal that there was no threat to police post at Bargari. This evidence would give a complete lie to the version brought out by the police witnesses that CW-83 was sent to Bargari and not to Behbal Kalan.

CW-95 and CW-83 both were confronted with this fact which Mr. Aulakh had shared with the Commission and was reflected in the zimni orders. Both the witnesses made attempt to wriggle out of it by stating that the message from Mr. Aulakh might have been received once directions have been issued to CW-83 to proceed. Both the witnesses had no answer when asked by the Commission that in that event CW-83 could have been called back or at least he should not have got involved with the dharna at Behbal Kalan. Both the witnesses were rather uncomfortable about it. It is, thus, clear that version given by all police personnel stating that CW-83 along with the police force of Ludhiana was directed to proceed to Bargari is a fact which apparently is introduced by the police to explain that the happenings at Behbal Kalan were a chance encounter and not a planned move by police. When the Press briefing done by Shri Umranangal (CW-95) in the presence of ADGP Rohit

Chaudhary is seen then CW-95 is heard saying that Charanjit Sharma was not even sent to Bargari but was otherwise proceeding towards that side when he found protesters sitting on dharna at Behbal Kalan. Both CW-95 and CW-83 have now given version about CW-83 reaching Behbai Kalan which is contrary to the one projected in the Press briefing. In this briefing, CW-95 has not said that CW-83 was sent to Bargari as now stated. How and why this has been introduced by both CW-95 and CW-83 would call a notice. No one could have bought the story that CW-83 had just gone to that side when he found protesters at Behbai Kalan. Version in the press briefly was at the first available opportunity when the police had no time to think and invent story. Changed version came after due deliberation and is well thought one and is required to be discarded. It is, thus, a complete lie and introduced to hide the fact that CW-83 was sent to Behbai Kalan to deal with dharna there and he did that by opening firing. Even the SIT headed by ADGP Mr. Sahota has observed that SSP Moga Charanjit Sharma had been deputed for handling law and order problem where he was found inept in handling agitating crowd at village Behbai Kalan. It is, thus, clear that SSP Charanjit Sharma was sent to Behbai Kalan only. It can be said that this force was clearly sent for Behbai Kalan and perhaps with the instructions to deal with the dharna firmly it being, after its so called claimed success at Kotkapura. That is the reason that prior to arrival of CW-83, there was no confrontation between the police and the protesters and both were sitting quietly and even sharing langar. It is only the arrival of CW-83 that aggravated the situation and there was obviously something which the police witnesses have decided to hide for obvious reason to save their peers. **The Commission is unable to accept that police officers and the officials present there are not aware as to who had opened firing killing two persons and injuring some others.** They have joined hands to remain silent about it in order to help each other. The police witnesses, thus, are not only seen hiding the truth but also found morally at a drift in not helping the cause of justice. At least those who were not directly involved in the firing could be expected to come out with the truth but they also have failed the cause of justice.

Mr. Charanjit Sharma, has in very smart manner brought out changes in his affidavit now filed before the Commission (Annexure CN) from his earlier affidavit filed before Justice Jora Singh's Commission which is on record before this Commission as **Annexure JD**. In his affidavit Annexure JD, CW-83 had stated that he told the protesters to lift dharna when they replied that they were

sitting only on peaceful dharna and would not take law into their hands. This fact is missing in affidavit Annexure CN. Again CW-83 has omitted to mention in affidavit CN that protesters started bringing forward females which he had stated in affidavit JD. Now CW-83 has mentioned about SI Amarjit Singh and DSP Bishnoi talking to some person in public which fact is not mentioned in affidavit CN. CW-83 has now conveniently omitted to mention that his gunman Shamsheer Singh was injured which fact he had stated in affidavit JD. Why he would omit this fact seems with purpose to avoid involvement of his gunman Shamsheer Singh, who is his loyal and has remained with CW-83, wherever he has gone on posting. CW-83 has again omitted to disclose that police had fired at Behbal Kalan which fact he had stated in affidavit JD when he had stated that some police employees had to open fire to save Constable Surinder Kumar. In his affidavit CN, CW-83 has pleaded that no one was under the command of anyone and everyone was on his own. Earlier in affidavit JD, CW-83 has not said so but has clearly disclosed that he was in command and directed the police party to withdraw. All these changes made by CW-83 would clearly show that he cannot be relied upon and has made statements accordingly to his convenience to save himself for which he is clearly blameworthy.

Once it is established that CW-83 was sent to Behbal Kalan with his force then there is not much difficulty to discern that what happened there was primarily due to his (CW-83) arrival at Behbal Kalan. Though the police witnesses had attempted to remain as evasive as possible but still could not deny that there was firing by police at Behbal Kalan. Contrast this with their version about the happenings at Kotkapura wherein everybody has denied about the firing at Kotkapura chowk. Police could get away with it by showing ignorance as no one had died at chowk Kotkapura due to firing. They could not do so about the happenings at Behbal Kalan as two persons had died and some others had received fire arms injuries there. In any event large number of witnesses who were present in the dharna have appeared before the Commission during its visit to village Behbal Kalan and made statements which were recorded while sitting in village Gurdwara. They clearly stated before the Commission that they will speak the truth as they were making statements while sitting in the Gurdwara. Their versions would clearly give complete lie to the one projected by the police officials. They are rather reliable witnesses. What has come on record through their evidence may now be noted hereinafter.

**EVIDENCE OF CIVILIAN WITNESSES DISCUSSED ABOUT BEHBAL KALAN INCIDENT.**

About ten persons belonging to village Behbal Kalan or other villages in the vicinity received injuries while sitting on dharna on the morning of 14.10.2015 at Behbal Kalan. They appeared before the Commission and made statements giving details as to how the police action had commenced and what all was done by the police at Behbal Kalan. Gurdit Singh (CW-106) appeared before the Commission to state that he suffered injuries on his leg, knees, arms and back. He suffered a fracture on his right arm due to use of lathi charge by the police. The injury suffered by this witness stand in support of his version. Police witnesses have not spoken a word about lathi charge. CW-106 reached dharna site on his motor cycle at 6 a.m. on the morning of 14.10.2015. He found Amarjit Singh (CW-21) putting naka. Son of CW-106 later brought *longar* in his tractor trolley and after leaving the trolley at site he went away with the tractor. CW-106 continued to remain on the site when at 10 a.m. suddenly police attacked the protesters sitting on dharna with lathis. In this manner the witness was caught unaware and was given beating resulting in fracture of his arm. He has further stated that police destroyed his motor cycle with iron rods and turned his trolley turtle while putting it on fire due to which the tyres of the trolley got burnt completely besides body of the trolley suffering extensive damage. CW-106 was helped by about 4 to 5 persons who later took him to Sethi Hospital, Kotkapura where he received treatment. Jassa Singh (CW-107) gave evidence about his presence at dharna site at 6.30 a.m. on 14.10.2015. The police came to the dharna site and arrested various persons including the ladies which he has named in his affidavit.

Harjinder Singh CW-108 is the one who had suffered a bullet injuries on his foot. Little finger of his left foot was blown off due to hit by a bullet. He had shown his injured foot to the Commission when it recorded the following observation:-

*"Commission has seen that the little finger of left foot is blown off and there is a clear sign of healed injury on the foot."*

The witness had received treatment at Adesh Medical College, Bathinda. He has also given evidence that public was sitting on link road at dharna where he suffered this injury. CW-108 has further brought out that he suffered this injury, while he was in the process of lifting late Shri Krishan Bhagwan Singh who had received bullet injury in his stomach and had later died. Buta Singh (CW-114) also received a dang blow on his back when he was present

in dharna on the link road at a distance of about 5-6 karams from the T point. He had reached the dharna site at about 7 a.m. on the morning of 14.10.2015. As per him, a force of about 400 police personnel was standing on the main road whereas about 40 to 50 persons including the ladies were sitting on dharna at link road. Langar was also being distributed when police started using dangs making the public to run here and there. Police opened fire leading to death of two persons. This witness had suffered dang injury and had saved himself by running away from the place.

Angrej Singh (CW-119) is another witness who deposed before the Commission and was one who had suffered a bullet injury on his shoulder. CW-119 is an Ex member panchayat of the village and as such he knew SSP Charanjit Singh Sharma who had earlier remained posted as SSP, Faridkot. CW-119 states that he had apprised CW-83 and S.P. Pannu that they were sitting on the link road to which the police should not have any objection. As per this witness, Charanjit Singh Sharma told him to leave the place and hold dharna at village Gurdwara. CW-119 in turn replied to CW-83 that they can then be allowed to lift their belongings but instead the police resorted to lathi charge. Simultaneously, the police opened fire as well when this witness had suffered a bullet injury while he was trying to evacuate another persons who had been hit by bullets and were badly injured. This witness had received treatment at Medical College, Faridkot. As stated by CW-119, he was present at a distance of about 70 metres from the T point on the link road when he was hit with the bullet. He had otherwise reached dharna site at 4.30 a.m. in the morning and thereafter had returned at about 7 a.m. CW-119 has further brought out that 50 to 60 persons including the ladies were sitting on dharna when the police resorted to lathi charge and opened fire. In this firing two persons namely Krishan Bhagwan Singh son of Mohinder Singh and Gurjit Singh son of Sadhu Singh breathed their last. CW-119 was helped by the other persons who tied his shoulder with a cloth.

Gurdit Singh (CW-134) is yet another witness who was given a dang blow at Behbal Kalan while he was present in Dharna. This witness had reached there at 9 a.m. on 14.10.2015. He was accompanied by Harbans Singh son of Dasonda Singh, Gurdit Singh son of Jalor Singh, Darshan Singh, Hakam Singh son of Jit Singh, Makhan Singh son of Kartar Singh, Kaur Singh son of Kaka Singh etc. As stated by this witness, the protesters present at dharna were reciting *Path* and were present on the link road whereas the police was present in large number on the

main road Kotkapura-Bargari. CW-134 has also stated that there were three SSPs and two DSPs who had reached there and ordered the police to do lathi charge on the ladies and the public sitting on dharna. This witness received a blow on his back and his shoulders. As per CW-134, the police had abused the public as well and thereafter had fired at Gurjit Singh on his temple besides firing at Beant Singh (CW-177) who was seriously injured. Continuing with statement, CW-134 has brought out that the police had fired at Krishan Bhagwan and then at Angrej Singh who had gone forward to save Krishan Bhagwan. The police had damaged number of motor cycles, tent, which was pitched there, besides other items of furniture etc. which were brought to the site of dharna.

Balkaran (CW-135) is another witness who had come on affidavit to state that he was injured at Behbal Kalan. This witness had known SSP Charanjit Singh Sharma (CW- 83) he being the sarpanch of the village. As per his statement, CW-83 reached Behbal Kalan and without giving any warning ordered the police to get the dharna lifted when the police resorted to lathi charge followed by firing. CW-135 has stated that SSP Charanjit Singh Sharma did not talk to anyone and did not give any time or even did not spare old people. This witness had reached dharna site at 7 a.m. on 14.10.2015. As per

this witness, 400 to 500 police force was present there. The *langar* was being distributed to the public when CW-83 and S.P. Pannu reached there with speed staying on the main road. CW-135 claims that CW-83 had ordered the police to do lathi charge and then to open fire. He had also spoken about the two persons who had died and about Beant Singh and others who had received bullet injuries in the police firing. The witness has further testified that police had put the vehicles on fire while damaging the other vehicles and the items like tent, langar and other things kept by the public while sitting on dharna.

Gurjit Singh CW-134 was the person who was distributing the langar when the police took this action. As per CW-134 within a minute and half of arrival of CW-83, the police had commenced lathi charge and had opened fire. This witness had suffered a bullet injury inside of his right ankle. The witness had shown the injury mark on his right ankle to the Commission when the Commission had observed that the bullet had apparently glaze passed touching the ankle of the witness. As per this witness, he received bullet injury while he was attending to the injured shoulder of Angrej Singh (CW-119). He learnt about his injury when someone standing

with him told him in Punjabi "*Apna gitta sambhol*" (mind your ankle). CW-134 has also brought out that the table on which langar was displayed was turned by the police while doing lathi charge and opening fire. His evidence coupled with other evidence on record would clearly show that the police had resorted to lathi charge and indiscriminate firing.

Jarnail Singh (CW-138) had reached the dharna site to participate in dharna at 5 a.m. in the morning of 14.10.2015. This witness had brought out that Baba Kheta Singh of Car Sewa wala was present at dharna site. The police came and took the persons sitting on dharna in custody. The police had also taken in custody wife of Ex sarpanch Surjit Singh along with various other ladies. Around 10.30 a.m. one officer reached there (obviously he is Mr. Charanjit Sharma) and he said something when the police resorted to lathi charge and opened fire. CW-138 being old could not move quickly and as such suffered various lathi blows. As per this witness, he saw the bullets hitting the ground around his feet. Another indication of indiscriminate firing. He also testified that the police had burnt motor cycles, trolleys and other items lying there by

putting on fire. The witness has further stated about the persons having received the bullet injuries. Baba Kheta Singh has also been examined by the Commission. He along with others was arrested in the morning. On his release he again sat on dharna. As per this witness some children handed him over empties about 10 to 12 in number which he kept with him. Later he had handed these over to Ram son of Hakam Singh as he generally used to be away in relation with *Kar Seva* duties. It is, thus, clear that the police had opened fire indiscriminately and it was at link road. How otherwise empties could be present at link road from where these were collected.

Beant Singh (CW-177) is the witness who had suffered a very serious bullet injury at Behbal Kalan. As per this witness he had gone to Gurdwara of village Behbal Khurd on 14.10.2015 along with Harvinder Singh and Gur Mohinder Singh. There he met Mohinder Singh father of late Shri Krishan Bhagwan and learnt about the public sitting on protest dharna at village Behbal Kalan. CW-177 reached Behbal Kalan on his motor cycle and found the public sitting on dharna on the link road. While present at dharna this witness had suffered a bullet injury on his left side little below the stomach. The witness had shown the bullet injury mark and the Commission found two inches roundish mark indicated by the witness through which two

bullets had gone passed. There were some operation marks as various ribs of the witness were also fractured and he had also suffered extensive damage to his glands. His urinary track had been blasted and he suffered from dye functional rectile for which he had reported to PGI, Chandigarh as well. CW-177 was initially taken to Jaito hospital from where he was taken to Medical College, Faridkot. His complaint is that the doctor did not attend him properly at Faridkot College as they were more concerned in attending to some police personnel who had suffered some minor injuries. His grievance further is that the doctors have shown police personnel having suffered injuries at Kotkapura though they may have suffered injuries at some other place or in some other incident, may be even in some accident. CW-177 got himself transferred to Apollo hospital, Ludhiana under his own arrangement where he received proper treatment. After attending to him for some injuries the Apollo Hospital suggested the witness to take treatment somewhere else because of lack of facilities for the injuries he suffered in his glands. The witness



had then reported to PGI and was made to undergo various tests. A date was given for performing some operation to repair his glands but finally the PGI doctors refused to operate because of lack of facilities. The witness had then gone to AIIMS but even could not get appointment due to rush. It was then that one of his relatives took him to Dr. - Pawan Mehta working in the hospital named Action Balaji Hospital. He was ultimately operated on 16.01.2016 and has been given a limited assurance for working of his erectile function for a period of six years. CW-177, is seen to have suffered very serious injuries and his entire life seems to have been ruined. This witness was selected for appointment in B.S.F. and was waiting for a call letter. He became unfit due to these injuries. Irony is that he has been given an employment of class IV where he is being paid a salary of about Rs.5000/- per month. This witness has further disclosed before the Commission that senior officers had been advancing threats to him not to speak out as otherwise, he will lose his job. At that stage Commission thought it appropriate to provide protection to the witness and accordingly addressed a communication to the DGP, Punjab to ensure the safety of witness. DGP Punjab was asked to direct SSP, Faridkot making him personally responsible for the security and to ensure that the job given to the witness was not taken away. No consideration has been shown by the previous Government either to this witness or to the heirs of the two deceased persons. Degradingly they have only been offered menial jobs carrying monthly salary of Rs.5000/- only. Contrast this with the treatment given to the wife of Gurdev Singh of Burj Jawarhar Singh Wala who has been employed as Constable within two days of death of her husband while he died in a normal crime not in any action by the State or its police. Was it clout Chief of Dera Sacha Sauda or his fear that made the State to act so promptly. The previous Government has no justification to behave in this discriminatory manner. Not only this, under the previous Government, no investigation has been made to bring the offenders before law for these serious offences at Behbal Kalan and at Kot Kapura. Serious injury suffered by Ajit Singh (CW-148) has gone unnoticed by everyone starting from I.G. Zonal head, DIG, SSP, DSP and SHO of the police station. How can this happen is beyond any imagination.

CW-177, in his affidavit has not only named the police officers who had opened fire which hit him but had disclosed the name of officer who fired at Mr. Krishan Bhagwan (deceased). CW-177 states in his affidavit that SHO Amarjit Singh (CW-21) fired on the asking of Bikramjit Singh which hit deceased Krishan Bhagwan in stomach. This witness has stated that inspector Pardip Singh had opened fire on the direction of Mr. Charanjit Sharma (CW-83) which hit him above his thigh on his left side. As per CW- 177, second bullet was fired by Harjinder Singh DSP on the asking of Paramraj Singh Umranangal which hit him at the same spot. His affidavit was kept in a sealed cover. This witness was recalled when he disclosed that during his earlier statement he could not disclose these names as the police had obtained his signatures on blank papers and recorded his statement which was never made by him. He further disclosed that due to threat advanced by the police he could not disclose the complete facts before Justice Katju Commission as well as before Justice Jora Singh Commission when he was threatened and was lured with a promise of permanent job. This witness has, thus, explained his earlier statements where he had not disclosed the names of the persons who had opened fired at him. The witness has tried to justify his present statement in this manner.

Shri Baram Singh (CW-110) was also present Behbal Kalan on the morning of 14.10.2015. As per this witness the public was sitting on dharna on link road and they were forced to move from the link road as well. At about 10 a.m. the police used lathi charge and opened fire. This witness has claimed that he knew Mr. Amarjit Singh SHO who was seen present at the place from where the firing started. Gurdip Singh (CW-111) confirmed that the public was sitting on the link road on the morning of 14.10.2015 when police resorted to lathi charge and opened fire. Number of people, as per this witness, had got injured there. CW-111 has also stated that public was sitting peacefully and had even offered langar to police by giving them calls to come and take langar. To show that he was speaking the truth, this witness stated *"He is 72 years old and at this stage he would not say anything which would not be true."*

Dilbag Singh (CW-112) was also present at dharna site. He was the one whose scooter was put on fire and damaged. This witness has kept the scooter as it was and on the asking of the Commission brought it before the Commission for inspection during its visit to the village.

The Commission noted that the scooter was badly eroded and was without seats. Back tyre of the scooter was seen burnt and so was the condition of other parts. The front tyre was intact and as per this witness he had controlled the fire by then. This witness has also pointed out to the place where the scooter was parked which was on the link road. Makhan Singh (CW-113) has confirmed that number of ladies named in the affidavit were taken in custody on the morning of 14.10.2015. He has also stated that police had opened fire on the protesters sitting on dharna where Krishan Bhagwan Singh and Gurjit Singh died. Ranjit Singh (CW-115) was the one who was arrested in the early morning of 14.10.2015 by DSP Bishnoi. As per this witness, he did not know the name of the person who told him to either court arrest or leave the place but he had heard him being referred as Bishnoi. According to CW-115 he appeared to be drunk who had advanced strong threats to protesters. Jagtar' Singh (CW-116) has also confirmed the same facts about the protesters sitting on dharna on the link road and reciting Path when the police resorted lathi charge and opened fire. He has spoken about the death of two persons as well.

Sukhraj Singh (CW-117) has added another angle by stating that he had gone to T point where DSP Bishnoi (CW-4), SHO Mr. Amarjit Singh and ASI Parvinder Singh chowki incharge came and started hitting the females sitting on dharna with their toss. This witness has further stated that these officers told him to leave the dharna site by striking dandas on the ground and was thus taken in custody. Mandip Singh (CW-118) also lends support to the version of other witnesses. This witness has also confirmed that about 60 to 70 man and woman were taken in custody early in the morning of 14.10.2015. As per this witness the protesters came to the site of dharna as the sun appeared when suddenly on arrival of one police officer, police started lathi charge and opened fire. He has also confirmed about the death of two persons and injuries to others. As per him, the police had also damaged the tractor trolley and the other utensils in which the langar had been brought to the site.

Bikramjit Singh (CW-65) has stated before the Commission that Charanjit Sharma (CW-83) had exchanged some words with Surjit Singh ex-sarpanch Behbal Kalan on

14.10.2015 when CW-83 had reached there with his force. CW-83, of course, has denied this fact. The Commission has now before it clinching evidence in this regard through Surjit Singh (CW-247). This witness (CW-247) was found reluctant to appear before the Commission and failed to appear despite summons and bailable warrants. When he appeared pursuant to non-bailable warrants, the Commission inquired from him the cause of reluctance on his part to depose before the Commission. CW-247 then disclosed that he was harassed and ill-treated by police for making statement before Justice Jora Singh Commission. Police used various methods to stop him from appearing before the Commission. These methods varied from threat, allurements, persuasion and such other means. Gurchet Singh Dhillon, an Akali leader from village Bargari, had approached CW-247, when he was going to appear before Justice Jora Singh asking him not to depose against Amarjit Singh the then SHO, Baja Khanna, disclosing that the police officer was his brother-in-law (cousin brother of his wife). Thus, the information shared with the Commission by villagers that SHO Amarjit Singh is related to Gurchet Singh Dhillon has turned out to be correct. SHO Amarjit Singh has made subtle efforts to hide his relationship with Gurchet Singh Dhillon.

Surjit Singh (CW-247) has now given some clinching evidence about the manner in which police took action at Behbal Kalan. After stating that about 60 to 70 persons including his son, were arrested by police at 5 a.m. on 14.10.2015, while participating in dharna at road Kotkapura-Bargari, this witness has disclosed that he reached the dharna site with his wife at about 6 a.m. on the same day. CW-247 found DSP Jagdish Bishnoi, SHO Baja Khanna Amarjit Singh and SHO Jaito Inspector Jasbir Singh present there with police force. He found some personnel of Commando force becoming aggressive when he told DSP Jagdish Bishnoi to control them. CW-247 has stated that the public sitting on link road had started JAAP on loud speaker when SHO Amarjit Singh came and removed the loudspeaker wires and told the public to leave while snatching mike as well. Police had even arrested 15 to 20 ladies, including his wife and took them to police post, Bargari. Ladies had joined the dharna to act as shield and to show the peaceful nature of the dharna.

As per CW-247, S? Bikramjit Singh the then SP (D) Faridkot reached there at about 9 a.m. He spoke to CW-247 telling him that the police was going to act tough if public did not

lift dharna. CW-247, in turn told him that public was sitting on the link road and doing *PATH* without creating any trouble and there was no reason for taking any tough action or to use force. While CW-247 was talking to Bikramjit Singh, Charanjit Sharma, SSP Moga reached there along with his force. Charanjit Sharma asked Bikramjit Singh about CW-247, who then told him that the witness was ex-sarpanch of village Behbal Kalan. When CW-247, wanted to tell Charanjit Sharma that there was no reason to use force against public sitting in peaceful dharna and if the police did so then situation will turn bad but Charanjit Sharma did not pay any heed and told him to leave. CW-247 has further deposed "***saying so SSP Charanjit Sharma proceeded towards the public sitting on dharna and started hitting ladies and others with his toes. Simultaneously, the police started lathi charge. I also received one lathi blow on my left hand leading to fracture and injuring three fingers as well.***" CW-247 has also brought out that some crowd had started gathering at the site when he retrieved his trolley with which he had brought water tanker to the site for preparing langar. While taking his trolley, he had met late Krishan Bhagwan and told him about police action. Unmindful Krishan Bhagwan had gone ahead. While returning towards T point this witness had heard sound of firing. As per the witness, the police had fired indiscriminately for which even no count could be kept.

CW-247 has also stated that public had collected large number of empties which were found scattered at the dharna site. These empties, which were plenty in number, were handed over to Baba Kheta Singh for safe custody. As per the witness, he is not aware as to what Kheta Singh had done to these empties. The attention of the witness was drawn to the statement of Kheta Singh that he had given these to Ram son of Hakam Ex-sarpanch. The witness has brought out that Ram is not son of Hakam but is a son of Chand Singh. The witness claims that he had spoken to Ram as well as Hakam but both have stated that no empties were handed over to them. The witness has disclosed that villagers apprehend that SI Mr. Bhullar, SHO Baja Khanna had taken these empties from Kheta Singh either by advancing threats or by persuasion or by some

other means. Thus, this vital piece of evidence has been done away with. If these empties had been kept then the weapon from which the firing was done could have been easily identified.

Otherwise CW-247 has confirmed that the conversation as brought out by Bikramjit Singh (CW-65) had been exchanged between him and Charanjit Sharma. As per the witness, the police had used lathi charge indiscriminately and some persons may have received as many as 50 blows. Even Charanjit Sharma and Inspector Pardip;Singh were seen hitting public with dangs. The witness has also stated that the police had put their own vehicles on fire. This witness, thus, has clearly brought out the root cause of the trouble leading to police firing.

Charanjit Sharma brushed aside everyone and attacked the crowd commencing lathi charge followed by firing. He seems to have done so to show that he could get the Dharna lifted in the manner it was done at Kot Kapura. He was apparently arrogant and brushed aside every one to act in highhanded manner. In his affidavit before Justice Jora Singh Commission, CW-83 had mentioned about presence of ladies which is in conformity with statement of CW-247. The version of CW-247 finds support from the statement of some ladies who have filed affidavits. Like Ranjit Kaur (CW-103) and Sukraj Kaur (CW-104) have stated that on arrival of one officer, police started lathi charge. CW- 104 has also brought out that she had seen the person who received bullet injury when he was being evacuated. Dalip Kaur (CW-105) has also stated that the police did lathi charge suddenly and opened fire. Other witnesses appearing before the Commission in regard to happening at Behbal Kalan have made statement on similar lines.

Then there is an eye witness account given by Mohinder Singh (CW-157) father of the deceased Krishan Bhagwan. He was also present at dharna when police had opened fire at Behbal Kalan. As per CW-157, his son Krishan Bhagwan was distributing Langar to public sitting on dharna. The witness has brought out that on 14.10.2015, the public was sitting on dharna on the link road at a distance of about 15 to 20 karmas from the main road. Police force of 300 to 350 was present there and all of sudden the police resorted to lathi charge when public was doing JAR saying 'SATNAM WAHEGURU' The witness

withdrew a bit while his son Krishan Bhagwan was carrying basket of Langar chappatis. CW-157 states that the police opened fire. People ran from the place when he started looking for his son. He saw his son who had fallen down. **While making statement the witness was overwhelmed by emotion and the Commission could see tears rolling down from his eyes.** The witness continued and stated that he then tried to lift his son, when he saw his entire stomach had been torn apart. The witness took of his turban and tied it around the stomach of his son. He then put him in a trolley and evacuated him to civil hospital at Jaito. The witness had also seen Gurjit Singh lying motionless. He also saw Beant Singh lying injured.

Emotion apart, the eye witness account by father who has seen his son dying before reaching the hospital would tell the story of police brutality and unprovoked, unjustified act of using fire arm in an indiscriminate manner.

Even if one was to ignore the hearsay account of events, there are number of witnesses who have given eye witness account of the events and in regard to brutal action by the police. Surprisingly, till date no action has been taken against any police official despite registration of FIR No.130 on 21.10.2015 under Sections 302/307/34 IPC and 25/27/54/59 of Arms Act. This is the same FIR which was registered at the instance of SIT headed by ADGP Mr. I.S. Sahota (CW-162). This SIT was supposed to supervise this investigation but still no progress is noticed. Was this SIT constituted to give decent burial to the case? It appears that this was with aim to let the police officer responsible for action of the hook and to escape the rigors of law. CW-162, would not have any valid explanation for this lapse in not pursuing the investigation of the case of two murders to logical ends.

During investigation, some weapons carried by police force from Ludhiana were not summoned and sent for inspection. Like SLR of constable Manjit Singh was not sent for examination to the FSL. He had 50 rounds with him. No efforts were made to immediately collect the weapons which the police force deputed at Behbal Kalan had carried. Only Inspector Dalbir Singh seems to have initiated this action and had sent the bullet extracted from the body of Gurjit Singh for examination to Forensic Science Lab, Mohali. FSL Mohali has opined that the bullet sent for examination was not fired from SLR rifle. The assault rifles were then sent for examination to the FSL Mohali but the lab' has expressed its inability to give any definite opinion as to from which assault rifle this bullet was fired. It was then that the help of

Central Forensic Lab at Chandigarh was sought. After examination of weapon CFSL, Chandigarh has also expressed its inability to form any definite opinion in its report dated 20.09.2017. This opinion is as under:-

*"1). The 7.62 x 39mm AK-47 assault rifles marked as 'W/2' to 'W/5', 'W/16', 'W/18', 'W/21', and 'W/22' under reference were successfully test fired each using two 7.62x39mm rifle cartridges ('W/5'- four cartridges) from the laboratory stock. On test firing, the 7.62x39mm AK-47 assault rifles under reference were found in working order.*

*2) . On physical examination of the 7.62mm jacketed bullet marked as 'B/I', an extensive tampering of all its rifling grooves were observed. However, it could not be possible to form any definite opinion in respect of the time elapsed after the above mentioned tampering was made.*

*3) . it could not be possible to form any definite opinion regarding the linkage of the 7.62mm jacketed bullet marked as 'B/I' in respect of the 7.62x39mm AK-47 assault rifles marked as 'W/2 to 'W/5', 'W/16', 'W/18', 'W/21' and 'W/22' under reference due to lack of sufficient individual characteristic marks present on it."*

Though there is a doubt if assault carried by Shamsheer Singh (CW-73), gunman of Charanjit Sharma was W/23 as it is shown against the name of Harjinder Singh but this was not apparently examined as there is no mention of the same in above report.

It is, thus, noticed that CFSL could not give any definite opinion due to extensive damage of rifle grooves of jacket bullet which was sent for examination.

One bullet extracted from the body of Beant Singh has now been sent for examination to State FSL at Mohali but till date FSL has only been able to give opinion about the nature of weapon from which this bullet was fired. Till date the investigators are looking for nature of weapon used. For two years, bullet recovered from the body of Beant Singh (CW-177) injured remained with Apollo Hospital at Ludhiana. No one bothered to collect the bullet and send it for examination. The bullet was finally procured from the hospital in 25<sup>th</sup> February, 2017 and thereafter it remained lying with the police till 27<sup>th</sup> October, 2017. It was sent to FSL only when the Commission called the present SHO Baja Khanna to ascertain the



stage of investigation. Even now the police has only got a report from FSL about the type of weapon used. *FSL has opined that on the basis of careful scientific examination it has been concluded that one deformed and damaged portion of jacket bullet marked J/I and a portion of lead case of bullet contained in parcel 'A' referred above could be portion of 7.62 mm bullet.*

Now the police station Baja Khanna is going to send the weapons for examination to see from which rifle the said bullet was fired. Likelihood of any definite opinion about particular weapon is remote as the jacket bullet recovered is found deformed and damaged. Commission has sent a request letter to the FSL at least to opine if this jacket bullet was fired from 7.62 SLR or AK 47 rifle and that if this jacket bullet have some matching feature with some AK-47 rifles which were examined by the FSL. The Commission has also sent a request letter to CFSL Chandigarh to clarify if the tampering of the examined bullet by it was due to deliberate act or was due to some other reason or that the jacket bullet would have got damaged while being fired. In response to this query posed by the Commission, FSL Mohali has opined through its letter dated June 15, **2018 that " it is to intimate that tempering of the riffle grooves of the bullet marked B/I under reference would be due to deliberate act.** Who had done so is not forthcoming even after one inquiry which was held as per the directions of the Commission by IG Bhatinda Zone. This inquiry is found unsatisfactory. All this clarification ought to have been obtained for proper investigation. The approach by the police is too casual-which is mind boggling. No one should be allowed to escape for this culpable lapse'which apparently was with purpose to save the police officers responsible for use of fire arm at Behbal Kalan.

After some efforts, the Commission had earlier received reply from F.S.L. on 15.02.2017, opining that badly deformed and damaged portion of jacket of bullet Marked J1 could have been fired through AK-47 rifle. Whether the damage to jacket of bullet was deliberate has to be seen.

In view of this additional evidence, all the police personnel who had carried AK- 47 rifle would become a potential accused for causing murders and attempt to murder for action at Behbal Kalan. It can now be said with assurance that someone from amongst police persons who carried AK-47 had fired leading to two deaths and injuries to others at Behbal Kalan. All those police persons who were carrying AK-47 need to be thoroughly interrogated to reach the truth. Otherwise, all should be made the accused and prosecuted for two murders and attempt to murder besides other offences as may be made out.

Taking note of above versions coming on record through various civil, witnesses, it is seen that they have been consistent in narrating the events. In their affidavits there is no similarity as was noticed in the affidavits filed by the police witnesses. Even otherwise when the entire situation is analysed it would show that there was really no cause with the protesters to turn violent. They had been sitting on dharna since 12.10.2015. They had also been arrested and removed from dharna site on the morning of 14.10.2015. Number of police officers had also interacted with the public asking them to lift dharna. On their refusal nothing happened and those police officers were standing quietly on a watch. It is on record that public had arranged langar which was offered to the police persons present at the scene. It is noticed that there was not very huge gathering there while police force was quite large in number. There was no tension between public and police before the arrival of Charanjit Sharma and his party. The civilian witnesses, as noted above, are consistent in stating that it suddenly happened when Charanjit Sharma reached the place with force. Charanjit' Sharma brushed aside everyone and showed attitude of 'I care too hoots'. He commanded the protesters to lift dharna when police thereafter commenced lathi charge and opened fire. Though the police had tried to be as evasive as possible but somehow sufficient evidence has come on record about Charanjit Sharma getting trapped while interacting with public or while lathi charge was on. This is possibility. This fact though is denied by CW-83 but is stated by none other than a senior police officer S.P. Bikramjit Singh present there. CW-83 is even accused of yielding lathi and may be he got trapped then. Apparently, it is at this stage the police seems to have opened fire when CW-83 perhaps

got trapped while doing lathi charge on the protesters. It is very pertinent to notice that except for one constable no one else had received any noticeable injury at Behbal Kalan. Amarjit Singh (CW-2.1) and Shamsheer Singh (CW-73), one of the gunmen of CW- 83, have stated that they were injured. There is not much evidence in support of the version of CW-21 on record in this regard. Strangely Shamsheer Singh (CW-73) states to have suffered a fracture but instead of receiving treatment at Government hospital from where he was discharged on 15.10.2015, he went to Amritsar to receive treatment from a private hospital. Once he was admitted in Government hospital there can be no justification for this witness to receive treatment at a private hospital that too at Amritsar. Shamsheer Singh (CW-73) has throughout remained as gunman with Charanjit Singh Sharma wherever he has moved to different assignments. CW-73 is a true confidant of CW-83.

As per evidence on record, CW-73 had suffered following injuries at Behbal Kalan:-

- " 1. *A reddish bruise 12x2cm on the back of left forearm in its middle, subject to x-ray examination.*
2. *A reddish bruise 4x2cm on the left elbow, subject to x-ray examination.*
3. *A reddish abrasion 8x2cm on right elbow, subject to x-ray examination.*
4. *A reddish bruise 8x2cm on the back of right scapular region, subject to x-ray examination.*
5. *A reddish bruise 3x2cm on the back of right shoulder, subject to x-ray examination.*
5. *A reddish bruise 20x2cm on the back of right side of chest, subject to x-ray examination.*

7. *A reddish bruise 8x1cm on the back of left side of scapular region, subject to x-ray examination.*
8. *A reddish abrasion 2x2cm on the right knee, subject to x-ray examination.*
9. *The kind of weapon for injury no.1 to 8 was blunt. Injury no.1 to 8 was subject to x-ray examination. The probable duration of injuries is about 12 hours.*
10. *After receiving x-ray report injury no. 1 to 8 was declared simple in nature."*

All the injuries suffered by CW-73 are on his back. Obvious inference is that he had his back towards the public which could also be to protect his boss Charanjit Sharma. This could be when they were trapped. This also stand in support of the version of witnesses that CW-83 was trapped and that is how CW-73 suffered these injuries. It is perhaps at this stage that use of fire arm was done. As per his own statement CW-73 was carrying an assault rifle and if he states that he was injured on his arm it would be obvious that he along with Charanjit Singh Sharma must have been present very near to the protesters sitting on dharna.

There is some confusion, if the Assault rifle carried by CW-73 was sent for examination. CW-73 states to have deposited his assault with police station Baja Khanna. The report received about the weapon sent for examination does not show if the assault rifle carried by CW-73 was sent for examination. Moga district police in its report has mentioned that CW-73 stood posted to 9 Batallion PAP and details of weapon be obtained from the said Batallion. There seems to be a catch here. It appears that Assault rifle carried by CW-73 has not been sent for examination. This will have to be done now.

CW-73 was injured while he was present close to CW-83. While under threat, he could be the one who would not hesitate to use his assault. His assault has not been submitted for FSL examination. He ought to have received treatment at Government

hospital. As already noticed, CW-83 in his affidavit filed before previous Commission (Annexure JD) has disclosed that his gunman Shamsheer Singh was injured (not that he suffered fracture) but now in his affidavit {Annexure CN), he has not clearly brought out this fact. Why he has done so would raise many questions. For obvious reasons, they both could not have come out with complete truth as two persons have died at Behbal Kalan. A.K.47 rifle of CW-73 continued to remain in his possession till April, 2016. He states that he had deposited his weapon with Police station Baja Khanna. Apparently, his weapon is not sent for examination because this weapon is not mentioned in the list of 25 weapons which were sent for examination to FSL. Present DSP Jaito B.S. Sandhu (CW-239) appearing on recall has stated that AK-47 carried by CW-73 was sent for examination to FSL but in the list of weapons inspected by FSL, this rifle number is shown issued to HC Harjinder Singh 246/Moga. It is marked W-23. In the FSL report, W- 23 is not mentioned in the list of weapon inspected. Mistry must be solved. CW-73 was carrying 100 bullets with him. It may be of importance to notice here that some persons from the IRB force had stated before the Commission that they had kept their bullets in the vehicle which was later put on fire. No bullet was, however, recovered from the burnt vehicle. Nothing can be said as to what has happened to those rounds. The inspection of the bus or other vehicles stationed at Behbal Kalan was done by local police i.e. S.H.O. Police Station Baja Khanna. It would not be difficult for the local police to show no recovery from bus and account for the spent bullet at Behbal Kalan. As per the record, no police force has shown any ammunition having been used at Behbal Kalan. It is not possible to believe this aspect. The police admits to have opened fire at Behbal Kalan. From where the forces present at Behbal Kalan had made up the deficiency to report that no force had used bullet at Behbal Kalan. How have police come up with no expenditure of ammunition when admittedly police had opened fire using of bullets in plenty as per evidence. How the police has been able to account for the bullets which were used quite in numbers as per the evidence? Two persons had died and four others received injuries due to fire arm. Even SI Amarjit Singh (CW-21) is accused of firing. He had carried out investigation of this incident being SHO Baja Khanna initially. He (SHO Baja Khanna) cannot be expected to carry out independent and fair investigation he himself being accused. He could have easily manipulated things. While examining the witnesses IRB, the Commission could note

innocence on their faces. Possibility of these bullets, if left in the bus, to account for the bullets fired at protesters cannot be ruled out. If the bullets were kept in the bus then these may have been used to account for the deficiencies to hide the use of bullets by forces at Behbal Kalan. Whatever may be the position it cannot be disputed that police had opened fire leading to death of two persons and bullet injuries to four others. Mr. Beant Singh (CW-177), injured witness at Behbal Kalan, has named the police officers who had fired at him and others. The weapon carried by CW-21 and some others were not taken in possession to send for inspection to FSL. Attempt is to show that CW-21 was not carrying any weapon but number of witnesses speaking in confidence named CW-21 who had fired at Behbal Kalan.

There is, however, evidence available in the form of undisputable circumstances that firing was done by the police from close range. Dr. Rajiv Joshi (CW-156) had conducted the post mortem examination of both the deceased namely Krishan Bhagwan and Mr. Gurjit Singh. CW-156 observed following injuries on the body of late Krishan Bhagwan

*"0.7 x 0.5 cm lacerated punctured wound present on left side of abdomen 5 cm above umbilicus at '1' clock position. Wound is circular in shape. Margins are inverted in shape. Blackening is present around the wound. On dissection tract is going downward through anterior abdominal wall muscle going in to peritoneal cavity. Omentum is found to be lacerated. Massive heamo peritoneum measuring about 2.5 litre is present. Perforation is present in proximal jejunum approx. 70 cm from duodenum jejuna flexure, laceration of mesentery with hematoma is found at 90 and 150 cm respectively. Tract is traced in to retro peritoneum where left iliac vessel were tom and lacerated. Posterior abdominal wall muscle was transverse process of 15 vertebrae is found fractured. Wound is going outward and communicating at posterior part of lumber area of trunk and wound margins are inverted in nature.*

*1. Wound is 1 cm x 0.6 cm lacerated wound present on back of trunk 12 cm above anal cleft. Wound is exit wound.*

*Cause of death in this case is haemorrhagic shock due to heamoperitoneum caused by major vessel injuries in the abdomen as a result of firearm injury which is sufficient to cause death in ordinary*

*course of nature."*

Doctor observed the following injuries on the body of Gurjit Singh:-

*"Satellite shaped lacerated wound 4x3 cm on left facial area 3 cm below left eye brow. Tract is going downward and posterior. Further dissection reveal fracture of left anterior cranial fossa, fracture of middle cranial fossa, fracture of left side maxilla. Tract's further traced going in to posterior aspect of subcutaneous part of nape of neck. On dissection through vertical incision through posterior part of neck, foreign body is retrieved from subcutaneous tissue.*

*Cause of death in this case was cranio cerebral damage due to firearm injury."*

In both the cases tract was found going downward. In the case of Krishan Bhagwan it was going downward through anterior abdominal wall going into peritoneal cavity? In case of Gurjit Singh tract was going downward and posterior; tract was further traced going into posterior aspect of subcutaneous part of nape of neck. Foreign body was retrieved from the body of Gurjit Singh. Presence of blacking around the wound of Krishan Bhagwan and tract of injuries clearly shows that bullets were fired from higher position and from very close range. Dr. Rajiv Joshi (CW-156) in this regard has opined that in view of the location of entry and exit wound or say track of wound, the assailant was at higher level than that of deceased Krishan Bhagwan Singh. CW-156 has further opined that it appears that in view of the pictorial diagram and the observation made in the post mortem report the deceased appeared to be sitting while assailant was standing. **Doctor has further opined that description of wound was indicative of a rifled weapon having been fired from close contact and that by close contact he meant that the**

**distance between the assailant and the deceased at the material time was less than one yard.**  
**Thus, these bullets were fired by someone who was present very close to the deceased.**

Charanjit Sharma with his gunmen was present very close to the protesters as per evidence. Some of the officers like CW-21, SP Bikramjit Singh and SHO from various police stations of Ludhiana were also present nearby. As per CW-83, Inspector Harpal Singh was carrying assault which conveys a lot. It is to be seen if assault rifle carried by Harpal Singh was taken in possession or not. Inspector Gurvinder Singh (CW-256) who took over as SHO Baja Khanna could not show if assault of Inspector Harpal Singh was taken in possession. Even the assault carried by Shamsher Singh (CW-73) was not sent for examination. Taking stock of the entire evidence, the persons who have been named by Beant Singh cannot be allowed to escape responsibility. At least there would be a need for proper investigating of their roles. The death of two persons cannot be allowed to go unpunished in the confusion created by police by hiding facts to save itself.

Beant Singh (CW-177) had named Shri Umranangal being present at Behbal Kalan. He apparently seems to have stated so on the basis that one person was wearing civil clothes. Beant Singh (CW-177) states to have recognised Mr. Umranangal on the basis that of person wearing civil clothes and that he was not in uniform. Since Shri Umranangal was not the only persons who was wearing civil clothes on 14.10.2015 (as Shri Amar Singh Chahal was also wearing such clothes) it is possible that the witness may have taken him as IG Umranangal. There is no evidence that Shri Umranangal had gone to Behbal Kalan on the morning of 14.10.2015. However, Shri Amar Singh Chahal along with S.S.P. Raghbir Singh had gone to Behbal Kalan. Amar Singh Chahal was in civil dress and this may have been the reason for Beant Singh to state so in his affidavit about the presence of Mr. Umranangal at Behbal Kalan. The Commission find\* that Sh. Charanjit Singh Sharma (CW-83), Inspector Pardip Singh (CW-80), Amarjit Singh (CW-21) and SP Bikramjit Singh (CW-65) are specifically named in either opening fire or of directing other to open firing at Behbal Kalan. Possibility of gunmen of Shri Charanjit Singh Sharma specially Shamsher Singh (CW-73) to have opened fire at Behbal Kalan when CW-83 was trapped can also not be ruled out. Shamsher Singh had suffered injury



at Behbal Kalan as per his own showing. It may need a notice here that some unidentified source has managed extensive tampering with rifle grooves on the bullet recovered from the body of late Gurjit Singh. Only police would have interest to do so. Second bullet found damaged remained with police for nearly eight months. Anything could have happened. The Commission had even got the inquiry done in this regard but the report by SIT headed by present IG Mr. Chijna, IG, Batliwala range proved to be of 4 np ;help.4®his SIT has not done very satisfactory job.,j If probed properly SIT could have been able to identify the source responsible for tampering. It is now clear that tampering was deliberate. This aspect may require further probe while inquiring into the FIR No. 130 registered under Section 302 IPC on the direction of SIT headed by I.S. Sahota (CW-162). *This SIT, while recommending thorough probe, had observed that there was inappropriate and inapt handling of agitating crowd at village Behbal Kalan by Shri Charanjit Singh PPS, SSP Moga who had been deputed for handling law and order problem there and this led to police firing there in which two persons were killed.* Even as per SIT, Charanjit Sharmas was deputed at Behbal Kalan.

It is noticed that the investigation of FIR No.: 130jjdated 21.10.2013 was put on right track when inspector Dalbir Singh took over as SHO Baja Khanna. He is the one who ensured that all the weapons carried by force while performing duties at Behbal Kalan were sent for inspection. After his departure, the investigation had not made much progress. The casual manner in which this investigation was handled can be noticed from the statement of present SHO Baja Khanna SI Sunil Kumar Sharma (CW- 205). He was summoned to disclose the present stage of investigation of this FIR. While appearing on 4.10.2017 he has stated about the number of weapons which were sent to State Forensic Lab. The report from the lab was awaited at that time. He was directed to procure the report and appear before the Commission on 13.10.2017. On this date, he produced the report given by FSL; Mohali but was unable to answer the question regarding progress of the investigation of this case. He was given time to check the record and to appear again on 26.10.2017. During his further examination, this witness disclosed that investigation of this FIR had been taken over by DSP Jaito. During further questioning he disclosed that bullet which was extracted from the body of Beant Singh had been procured from Apollo Hospital, Ludhiana on 25.02.2017 and since then it was lying in

the police station and had not been sent for examination to FSL. This witness was still not able to answer the queries addressed to him by the Commission. He was also not in a position to disclose who had handled the investigation of FIR No.130 dated 21.10.2015. He was, therefore, again called to appear before the Commission. He then appeared along with Baljinder Singh Sandhu DSP, Jaito who was handling the investigation of FIR No.129 dated 14.10.2015 and FIR No.130 dated 21.10.2015. The statement of Baljinder Singh Sandhu DSP (CW-239) was, thus, recorded on 13.11.2017. CW-239 had taken over as DSP Jaito on 18.05.2017. He was entrusted with the investigation on 22.10.2017. Investigation has not gone further in any manner till date. The statement of even injured witnesses at Behbal Kalan had not been recorded so far. CW-239 promised to come back with further details of investigation but when he appeared on 17.01.2018, the investigation was standing where it was and nothing has apparently been done. CW-239 looked blank and could not answer any query of the Commission. It was considered unsafe to allow investigation of these FIRs by the police of district Faridkot. This in itself will reveal the nature of investigation conducted by the police in regard to these FIRs. So casual is the approach in dealing with the offence of murders and this would speak volumes about the conduct of all the DSP incharge investigations who did not obtain the jacket bullet for years and had kept without taking any further action. It is only when the Commission called the witnesses to ascertain the stage of investigation of these FIRs that this bullet was sent for examination to the FSL. Incomplete report, as noticed in the foregoing part of the report has now been received. CW-239 had sealed his lips when asked why jacket bullet was not sent for examination.

It is due to efforts made by the Commission that a report was obtained that the bullet sent for examination was fired from AK-47 rifle. If only the officer conducted the investigation had recorded the statements of injured witnesses, they would have been able to identify the police officials responsible for action at Behbal Kalan. They could have interrogated all these officers to trace the person responsible for the offences. It seems that police has purposely derailed this investigation and is now doing a lip service once they are called by the Commission to disclose the nature of investigation in regard

to these FIRs. In view of this careless, casual and culpable conduct depicted by all police officers like SHO Baja Khanna, DSP Jaito and SSP Faridkot who had remained on these positions during this period, are found negligent and must be made answerable for lapses on their part in not conducting the investigation of these serious cases properly.

In view of the evidence coming before the Commission, Shri Charanjit Singh Sharma (CW-83), Inspector Pardip Singh (CW-80), SI Arriarjit Singh (CW-21), SSP Bikramjit Singh (CW-65) be named as accused in FIR No. 130 Police Station Baja Khanna and their role be thoroughly investigated which has not happened so far. Role of gunman of Shri Charanjit Singh Sharma (CW-83) namely constable Shamsheer Singh (CW-73), Constable Harpreet Singh (CW-153), constable Gurpreet Singh (CW-154) and constable Parminder Singh (CW-155) and so also of inspector Harpal Singh SHO Ladowal needs to be thoroughly investigated as they were carrying assault rifles at Behbal Kalan. The role of the commando police for use of indiscriminate lathi charge causing injuries to number of persons also require investigation which has not been done till date. At least all these persons are responsible for causing hurt/grievous hurts to number of persons at Behbal Kalan. The person to whom he had handed over empties be also questioned. There is need to question or interrogate Kheta Singh who had handed the empties found lying at Behbal Kalan. He seems to have been managed by the police to hand over empties. SHO Baja Khanna Mr. Bhullar had allegedly taken these empties from Kheta Singh. Inspector G.S. Bhullar, who had taken as SHO Baja Khanna from SI Amarjit Singh has been examined as CW-256 after being put to notice under Section 8-B of the Commission of Inquiry Act. He has denied, if he had taken the empties from Kheta Singh. This would require proper probe.

While appearing before the Commission CW-256 has filed very lengthy affidavit which is nothing but reproduction from police to project the police version. He had not recorded the statement of doctor who conducted post-mortem of the deceased. If he had done so, he would have learnt that firing was from very close range. He had no answer to other question addressed to him. He could tell if he had taken in possession assault carried by SHO Harpal Singh. When he said " I have already stated in my affidavit that I did not carry any worthwhile investigation in FIR 130 dated 21<sup>st</sup> October,

2015, as I had been apprising SSP of the district some gazetted officer be detailed with me since senior officers were involved..... "

This will tell the story of virtually no investigation in serious case of two murders. It is fact that these cases would have buried by the police if the Government had not constituted the present Commission. It is now that some activities are noticed but not at desired level.

If CW-257 has taken away the empties, it amounted to doing away with very vital piece of evidence. SHO Bhullar is required to be made answerable for this act to screen the offenders. Kheta Singh must be thoroughly questioned in this regard. He seems to have handed over these empties to the police either due to fear, threat or due to some allurements. This must be thoroughly probed and efforts be made to recover the empties, if it can be done. Action must follow against all these responsible if these empties have been done away with. Action is piled up for shoddy investigation of FIR No. 130 dated 21.10.2015.

NATURE OF INVESTIGATIONS REGARDING INCIDENT OF SACRILEGE AT BURJ JAWAHARSINGH WALA

Having completed the part of terms of reference regarding police action at Kotkapura and Behbal Kalan, the Commission is now taking up the inquiry into the incidents of sacrilege of *Sri Guru Granth Sahib Ji* in district Faridkot and two places which are in districts Moga and Bathinda as these are adjoining the places of district Faridkot where incidents of sacrilege have happened. In fact, while inquiry into other incidents of sacrilege in the State, the Commission has found that some other incident took place soon after these incidents of sacrilege in district Faridkot which may have some interconnection.

First incident of sacrilege at village Burj Jawahar Singh Wala was on 1st June, 2015. This village falls under the jurisdiction of Police Station Baja Khanna which is under the supervision of DSP Jaito district Faridkot. As already noticed, when the theft of *Sri Guru Granth Sahib Ji* surfaced on the afternoon of 1st June, 2015, the police was immediately informed and all the senior officers had reached the village on 1st June, 2015 itself. Strangely, however, no FIR was registered on the said date. The explanation given in this regard that police was searching for the 'SAROOP' has no justification. SSP of the district at that time was Sh. Charanjit Singh Sharma (CW-83) and DSP Jaito and SHO Baja Khanna were Shri Sukhdev Singh (C-59), Inspector Jasbir Singh (CW-248) respectively. The police claims to have carried out intensive search and investigation to trace the missing 'SAROOP' of Sri Guru Granth Sahib Ji. The details in this regard have been narrated by the then SSP Faridkot, DSP Jaito and SHO Baja Khanna which are almost on the similar lines.

In his affidavit Sh. Charanjit Singh Sharma (CW-83) has stated that after registering the FIR in this regard enquiries were made from *Granthi* of the Gurdwara while conveying information in this regard to the concerned DIG Shri Amar Singh Chahal (CW-76). SSP (CW-83) had constituted one Special Investigation Team on 4<sup>th</sup> June, 2015. IG Bhatinda Zone, however, constituted another SIT headed by SSP of the district with Sh. Amarjit Singh, SP(D) Ferozepur (CW-166), Shri Baljit Singh DSP Kotkapura, Shri Gurjit Singh Ramana, DSP Rampura Phui and Inspector Lakhbir Singh Incharge CIA Faridkot as members. As per CW-83, he had received phone calls from ADGP Intelligence and had remained in touch with local CID

unit, As per this witness, he had also got in touch with various *panthic* leaders like Gurmukh Singh, Amrik Singh Ajnala, Sant Baljit Singh Daduwal etc. In his statement, CW-83 has further stated that he along with Inspector CIA and SHO Baja Khanna remained present in the village for over 20 days. The search was carried out in each house of the village more than once. Even the rooms where the chaff was kept by the villagers were also searched. CW-83 had requisitioned motors to empty village pond to see if somebody had thrown the BIR into the pond. The police has also claimed that it had carried out search in villages located around village Burj Jawahar Singh Wala. The police states to have also searched *Deras* where the villagers used to go for getting prediction from such dera heads. All these efforts by the police proved futile. The police could not find any headway to get any lead in regard to the persons responsible for this incident of sacrilege. Though the police will claim that they had done their maximum but that was neither sufficient nor indicates any quality or innovative nature of investigation.

Despite getting a sufficient lead that two persons were seen coming to the village Gurdwara at about 1 a.m. in the afternoon, sufficient efforts obviously were not noticed to trace the said persons and take the investigation further. CW-83 in his affidavit has admitted that two ladies working in the village Gurdwara under the NAREGA scheme had seen two young persons on a silver colour Freedom motor-cycle. They had tied *Patko* (under turban) when they entered the Gurdwara. The evidence also shows that two persons of similar description had earlier gone to a Gurdwara in the adjoining village Sahoke under Police Station, Samalsar district Bhatinda. This village is located at a distance of about two and a half kilometres from village Burj Jawahar Singh Wala. These two persons were seen by the *Granthi* of the Gurdwara of village Sahoke and by another person who was distributing gas cylinders in the premises of the Gurdwara when these persons had gone to the said Gurdwara at village Sahoke. While appearing before the Commission, the *Granthi of Gurdwara* of village Sahoke as well as the person who was distributing gas cylinders at that time, have stated that they saw *two persons enter village Gurdwara. Soon thereafter the theft of Sri Guru Granth Sahib Ji took place at village Burj Jawahar Singh Wala. Evidence of Sh. Makhan Singh (CW-180) Granthi of village Gurdwara of Sahoke would throw some light about these two persons who had visited the Gurdwara. CW-180 states "two clean shaved persons tying small turban of black colour*

had come to village Gurdwara to pay obeisance. I had distributed Parshad to them. I was present in the Gurdwara premises to take care of the utensils used for morning Degh of Karah Parshad when the person who had stood near the pillar of the Gurdwara and another sat behind the pillar. The person who was standing asked me for Parshad and I accordingly gave him Parshad of Pathasha (sweet drops). One was having haversack on his back. They immediately left after taking Parshad."

CW-180 had given description of these two persons on the basis of which, the police had got two sketches prepared. The Commission then had examined the person who had prepared the sketches. Though CW-180 states that he had told the person preparing the sketches that these did not resemble the persons he had seen visiting the Gurdwara but as per the version of Sh. Rajnib Sehgal (CW-158), who had prepared the sketches, (CW-180) had conceded before him when he had shown him the sketches that these were similar to the extent of seventy percent. The Commission has also questioned CW-180 to test his veracity. In response to question, CW-180 conceded that the *Patka* shown in the sketch prepared was one which was worn by the person seen in the Gurdwara. Both persons were concededly of black complexion. As per this witness, nose and eyes were different. Even the help of Bittu son of Darshan Singh (CW-207), who was distributing gas cylinders, was also taken while preparing the sketches. Interestingly CW-180 conceded that these persons had not been seen earlier in the village Sahoke and in villages in adjoining area. It is reported that CW-180 was too scared to bring out fully correct facts in his knowledge.

As per Shri Rajnish Sehgal (CW-158), SHO Baja Khanna called him for preparing the sketches of the suspects in the theft case of *Sri Guru Granth Sahib Ji*. This witness had prepared two sketches of the suspects on the basis of description given by the persons who had seen them. He (CW-158) has clearly stated that once the sketches were ready these were shown to the witnesses by the police officers present there and

the witnesses had confirmed that these were resembling the persons seen by them to the extent of seventy percent. The witness has also produced the sketches prepared by him which were taken on record. Inspector Jasbir Singh (CW-248) has stated that *Granthi* had accepted that the sketches resembled the person, he had seen.

Despite this evidence being available local police did not make efforts to locate the persons on the basis of sketches. Even otherwise the extent of seriousness in investigating in this theft can be gauged from the simple fact that the SIT, which was constituted by IG Bhatinda Zone, did not meet even once. This evidence came on record from the members of the SIT namely Inspector Lakhbir Singh (CW-82). IG Bhatinda Zone when asked about this fact, could not show any material if he had ever asked the SIT about the progress of the investigation and the line of investigation that was being pursued. Charanjit Singh Sharma (CW-83) also could not show that this SIT headed by him had carried out any investigation. His statement that the SIT had one meeting was in contrast to the evidence of other members that the SIT never met. It would also expose the SIT to show that it had carried out no task or duty. CW-83, also could not satisfactorily explain the line followed during the investigation to trace the missing '*SAROOP*'. As per him (CW-83), he had statedly worked on following three theories:

- (1) the *BIR of Sri Guru Granth Sahib Ji* could have been taken by some Gurdwara to whom the SGPC had not supplied BIR;
- (2) it could have been taken by someone of the *Dera* who used to make predictions for people and there were quite a few *deras* in the area; and
- (3) it could be handy-work of some agency may be foreign aided, who could have done this.

Thus, the police did not suspect follower *Dera Sacha Sauda*. Statement of some police witnesses that they had questioned Premis, thus, may be an afterthought. When questioned, CW-83, could not justify if he had seriously pursued investigation on above noted lines. He conceded that he could not find any clue in this regard during investigation. As per him, he had not informed his IG or DIG in regard to the lines pursued by him. He was shown the press statement made by the Chief Minister of the



State making a statement about the involvement of some foreign agency The witness said that he had never conveyed any information of this nature to the Government. It may appear strange that the police had doubts that some hard liners religious group may be involved. It, however, did not even pursue this line seriously. CW-83 conceded before the Commission that he did not receive any inputs from the Government or the higher headquarter. As per him, no one spoke to him to express urgency and keenness to trace the theft of *Sri Guru Granth Sahib Ji*. As per CW-83 no meeting was ever held in Chandigarh in connection with this incident. Finally he conceded that but for local police officers the incident of theft of Sri Guru Granth Sahib Ji did not receive any serious attention at higher level.

Number of witnesses have been examined by the Commission who were relevant to the incident of sacrilege. To trace the persons or the organisation which had committed these offences of sacrilege of *Sri Guru Granth Sahib Ji*, the Commission would primarily have to dependent upon the investigations of these incidents carried out by the police. Still the Commission has made an earnest effort to call the witnesses, examine them to test their veracity by questioning them in detail to see if something could surface. Regrettably the Commission would notice that because of lack of proper investigation at the crucial stage into these incidents by the police, the Commission has found it rather tough to pursue the available leads in this regard.

The action taken by the police to investigate the offence of theft of *Sri Guru Granth Sahib Ji* from Gurdwara at Burj Jawahar Singh Wala has been noticed above at more than one place. The Commission is of the view that there was total lack of an innovative initiative on the part of the senior officers of the police to adopt some special means which were not of mundane routine in nature. A little efforts on the part of the police would have been enough for them to appreciate that somebody from the village could not have been responsible for stealing the 'SAROOP' and then keeping it in the village itself. The entire efforts of the police were wasted on carrying out the searches in the houses of the villages which they did thrice instead of thinking of some other means to search the 'SAROOP' which obviously must have been taken away from the village. Just a little thought would have been enough for the police to look for the missing 'SAROOP' somewhere outside the village. It is not suggested that the police should not have carried out the search of 'SAROOP' in the village but

in addition the police ought to have adopted some other methods also. The entire concentration of the police was to search the 'SAROOP' in the village. This was despite the fact that the police had come to know about the visit of two strangers to the village who were seen entering the village Gurdwara around the time when the theft took place. The police had gained this information at very initial stage of investigation. The police moved on right track to get the sketches of those persons prepared but thereafter seems to have forgotten to pursue this line any further. All the police officers starting from SSP, Faridkot, DSP Jaito and SHO Baja Khanna were questioned by the Commission if they had taken any further action to search for the persons on the basis of sketches that were got prepared but all of them could not show that they had pursued the investigation on that lines. Within a period of fortnight the police became totally relaxed and almost seems to have forgotten to carry out investigation into this serious incident of sacrilege. The police guard which was stationed at village Gurdwara was withdrawn. It would be of interest to notice the version of Amarjit Singh (CW-21) which itself may be enough to indicate the laxity on the part of the police. After admitting that police station Baja Khanna was continuing with the investigation even after constitution of SIT, the witness could not show anything tangible which was done in this regard. After conceding that *Premis* were under suspicion, he could not show anything if the main suspect late Shri Gurdev Singh was called for the purpose of investigation. The witness conceded that guard was withdrawn and that it was not thought that incident of this nature could happen. The Commission questioned this witness to know if any preventive measures were taken to stop the incident of sacrilege when CW-21 stated that the police had only detailed patrolling party and except for this no preventive measure was taken. The patrolling party which as per the SHO had been detailed, was in fact never detailed and no patrolling was done. If the police had taken this incident seriously then the subsequent incident of sacrilege regarding affixing of posters and scattering of *ANGS* may not have happened.

The reason for not going whole hog in this regard came out through Inspector Jasbir Singh (CW-248). This witness has casually mentioned that police had intercepted call of one person around the time when theft took place. This person was thoroughly interrogated and due to fear and use of third degree methods he admitted to have committed the theft. No recovery could be effected at his instance as he had admitted the offence only to avoid further

torture. His condition became bad due to physical torture when police released him and got him treated also. Police seems to have wasted its time and energy on this person who had only spoken to some girl with whom he had some affair. Right course for the police was to question late Gurdev Singh who was named even by panthic committee as suspect. His conduct was such which was sufficient to make him suspect. It has now revealed that he not only knew about theft but had facilitated the same. If only, he had then been questioned, the case of theft would have been traced and subsequent incidents of sacrilege averted.

Even the SIT headed by ADGP Mr. Sahota has observed that strenuous efforts were not made to trace the stolen *Sri Guru Granth Sahib Ji* and to arrest the culprits. This SIT has also observed that district police, Faridkot did not make sincere efforts to trace the culprits and that due to lack of vigilance and lapses on the part of district police, miscreants were later on able to paste handwritten posters at villages Burj Jawahar Singh Wala and Bargar. SIT has also held that due importance was not given to investigation of case **FIR No 63** dated **2.6.2015** of Police Station, Baisi **Kijanna**, though the matter was highly sensitive and had led to serious law and order problem in the State. As per SIT, Charanjit Sharma should have paid due attention to investigation of **FIR 63** to ensure early detection. It is observed by the SIT that proper investigation would have averted the later incidents. This was found to be negligence on the part of Shri Charanjit Sharma. Thus, it is clear that the police failed to carry out proper investigation of this serious case. Police seems to have not taken this case with seriousness that it deserved. Police had not devoted serious efforts to investigate this case. The then SSP of Faridkot Charanjit Sharma, DSP Jaitc Sukhdev Singh, SHO Baisi Khanna Jasbir Singh (QW-248) and officers who later handled investigation of the case like DSP Jagdish Bishnoli and SI Amarjit Singh must, therefore, be held responsible for not pursuing the investigations of the cases properly. It appears that none at the Government level or at the level of senior officers at Chandigarh have shown any involvement or interest in getting the cases investigated by local police in proper manner to trace/solve these cases.

Another important aspect which would emerge in these cases is that there is no involvement of home department or Home Ministry seen at all. Such serious cases of sacrilege are taking place and no contribution is noticed in solving or attending to these cases at the level of the Government. Except for some statement appearing in press no contribution is

seen either from the Home department or Home Ministry. Home Secretary holding post at the relevant time was examined by the Commission. He has stated that no report was received from district Faridkot and the reports, if any, were given directly to Chief Minister or Deputy Chief Minister. There is nothing on record to show that any action was taken at the level of Government. Such a serious case of sacrilege which was unprecedented warranted serious attention of the Government which is totally missing. Had the Government and the Minister for Home affairs in the State paid attention to first case, the police was bound to continue with the vigil and may be that subsequent incidents may have been avoided. The Commission has referred to latest stage of investigation of these cases in later part of this report. This would also show that earlier investigation was infirm and highly casual. Little efforts would have led to detection of accused long ago.

## MATURE OF INVESTIGATION

### SECOND INCIDENT OF SACRILEGE—AFFIXING OF POSTERS

One poster containing abusive language against Sikh religion and against Sikh preachers was noticed affixed on the board outside Gurdwara village Bargari. Manager of the Gurdwara Kulwinder Singh (CW-121) noticed this poster at about 7.15 p.m. on the evening of 24<sup>th</sup> September, 2015. Instead of informing, the police about this serious act of sacrilege, CW-121 spoke to Gurchet Singh Dhillon, Akali leader of his village, and on his instruction removed the poster without taking any further action. On the morning of 25<sup>th</sup> September, 2015 two posters containing abusive language and complaining about the non release of film MSG-2 were found affixed on the pillar of a Samadh Dodha'Peer existing adjacent to Gurdwara of village Burj Jawahar Singh Wala. The President of the Gurdwara Ranjit Singh (CW-130) was called and shown the posters by the villagers and he immediately informed the police. SI Amarjit Singh (CW-21) and DSP Jagdish Bishnoi (CW-4) had statedly reached the village. CW-21 removed the poster with the help of pen. The case was registered vide FIR No 128 at Police Station Baja Khanna. As per CW- 4 and CW-21, it is at village Burj Jawahar Singh Wala that they learnt about a poster also having been affixed at village Bargari. Both statedly went to village Bargari and recovered the poster from the manager of the Gurdwara Shri Kulwinder Singh. This incident at village Bargari was formed part of the same FIR which was registered regarding incident of affixing of poster at village Burj Jawahar Singh Wala.

Police then started investigation. Many senior officers also reached there and stated to have contributed in the investigation by giving inputs to the investigating officers. However, it is to be noticed with regret that the police officers investigating the case and the senior officer did not pursue the apparent available clues and instead concentrated on line of investigation which did not yield any result. CW-21 initially filed his affidavit but was called for detailed questioning later when he appeared before the Commission on 27.7.2017. After deposing that he was informed about the incident of affixing the posters by Ranjit Singh (CW-130), witness was questioned about the

wording of the posters. CW-21 recollected that in one of the posters it was mentioned about not allowing release of movie MSG and that they have taken away *Granth Sahib*. Even a challenge was thrown to Sikhs to find out if they could and even a threat was advanced that ANGS will be scattered in the streets.

CW-21 then went on to narrate what all he did. As per him, he was guided by the SSP to look into the handwriting of various persons and to get it examined. The witness could not remember the number of persons who were joined in investigation. He did not remember the name of any person who was called on the basis of detection of telephonic calls. The Commission then addressed him a direct question asking him if he had taken any preventive steps to stop what was stated in the poster about collecting of ANGS. The answer of the witness was that the police had only detailed patrolling parties and no other preventive measure was taken by the police. This apparently was a major flaw not on the part of SHO but even on the part of senior officers like DSP and SSP of the district who must share the blame in not taking any preventive measure. The writer of the poster had given sufficient warning to the police about the proposed action of scattering ANGS but the police still failed to take any preventive measure. Indeed, the ANGS were then scattered in village Bargari in front of Gurdwara. Strangely the information regarding scattering ANGS was given to Mr. Sukhdev Singh Bath, Member of SGPC, who further informed the police. Why police at the police post village Bargari was not informed would sound strange.

The Commission is of the view that the police had failed to take proper action in this case. The wording on the posters would in itself be enough to reveal the inefficiency on the part of police which could either be intentional or otherwise would be a culpable neglect which cannot be glossed over.

Translated version of one of the poster affixed reads as under:-

*"Dhan Dhan Sat Guru Tera Hi Asra (Your Grace) You Bargari people fucker of your sister You Sikhs created problem for release of Messenger of God-2 then we will finish your lineage. Mind you fucker of your sisters you will die the death like your Bhinderewala. We have taken your Granth Sahib and we will throw pages in the village, you fucker of*

*your sisters, we will rest only after release of our film. Dhan Dhan Sat Guru it is your grace."*

In one of the posters, Annexure cx.HJ, it is clearly written that your *Granth Sahib* is in village Bargari and if you can find then do it and that we will pay you ten lakhs against five lakhs which you have announced for the person finding the same. Thus, it was clearly written in the poster that '*SAROOP*' of *Sri Guru Granth Sahib Ji* which was stolen was in the village Bargari and challenge was thrown to the police to trace the same if it could. Least what could be expected was that the police carried out search in the village Bargari. The SHO Amarjit Singh (CW-21), DSP Jagdish Bishnoi (CW-4) had no valid explanation to offer for failing to carry out the search for the '*SAROOP*' of *Sri Guru Granth Sahib Ji* in village Bargari. DSP Jagdish Bishnoi did make a feeble attempt to wriggle out of this difficult situation by meekly stating that some search was carried out but it was only an afterthought to tide over this serious lapse on the part of police. As per the information conveyed to the Commission in confidence by persons of village, the police was prevented from carrying out the search in the village by Gurchet Singh Dhillon who had made a promise and had announced in the village that the police would not be permitted to carry out search in the village. If it was so then the police officers have to be held responsible for this serious culpable lapse on their part. The search in the village Bargari may or may not have resulted in tracing the '*SAROOP*' but the police cannot offer any valid explanation for not carrying out search when it was so boldly written in the poster that '*SAROOP*' was in village Bargari. How could the senior officers like DIG of the range, SSP of the district, DSP incharge and SHO Baja Khanna have ignored this important aspect and had failed to ensure that search was carried out in the village. There is no explanation forthcoming for this serious lapse. Not only this, none of the officers thought of taking any preventive measure to check or stop what was disclosed in the posters which contained a clear warning that the AA/GS-will be scattered in the village. This warning was given on 24<sup>th</sup>/25<sup>th</sup> September, 2015 and the ANGS were scattered in the village on 12<sup>th</sup> October, 2015 within about a fortnight. Only if the police had taken some preventive measures this serious incident perhaps could

have been avoided. Resultantly, what happened at Kotkapura and Behbal Kalan may have not happened.

The infirm nature of investigation can clearly be made out from the versions of CW-4 and CW-21. It will be a matter of concern to notice that CW-4 and CW-21 showed their ignorance about the date of affixing of poster at village Bargari. It is in the evidence that the poster at village Bargari was affixed on 24<sup>th</sup> September, 2015~and the police recovered the same on 25.09.2015. Instead of finding out the reasons for not reporting the incident of affixing of posters on 24<sup>th</sup> September, 2015, the police seems to have ignored it altogether. No police officer had applied himself to this serious lapse on the part of Manager Mr. Kuiwinder Singh and Mr. Gurchet Singh Dhillon. The Commission would have a serious doubt about this version of the police that it learned about the affixation of posters at Bargari on the morning of 25<sup>th</sup> September, 2015. Kuiwinder Singh, Manager of the Gurdwara had removed the poster on the evening of 24<sup>th</sup> September, 2015 at 7.15 p.m. He has stated that when he saw the poster it apparently was affixed freshly at that time. Why Mr. Gurchet Singh Dhillon, so called Akali leader, asked Manager to remove the same and keep quiet about it is quite disturbing. How could such a serious incident be kept under the wraps especially when the police post is existing in the village itself. May be that the police was informed but they all may have decided to keep quiet about this incident and pass it off as if nothing had happened. The reason why this incident came to be reported could be due to the affixing of posters at village Burj Jawahar Singh Wala which was reported to the police. If this incident at Burj Jawahar Singh Wala had not happened then the incident of affixing of poster at Bargari may not have surfaced. It is only when the report was lodged about the affixing of posters at Burj Jawahar Singh Wala that the incident of Bargari came to light. It is not stated that Gurchet Singh Dhillon or manager of Gurdwara Bargari had informed the police on 25.09.2015. The police has not disclosed the source from whom they learnt about the affixing of poster at Bargari, while CW-4 and CW-21 were present at Burj Jawahar Singh Waia.

Except for comparing the handwriting, the police seems to have done nothing. The exercise of finding from where the paper was procured or could have been



procured or from where the marker could have been procured etc. was not done. No extensive search in this regard was carried out. Having learnt about the intention of the culprits, the police failed to take any preventive measures. The patrolling which is claimed to have been detailed apparently was on papers only. If patrolling had been done seriously, the person affixing the poster could not have succeeded in carrying out his design. The poster which was affixed at Bargari was apparently affixed freshly when noticed. If the police had come to know about the posters fixed in the village on immediate search around may have led to some leads and ultimate detection. If the police was not informed then, the police was required to question the person who failed to inform the police like Manager of Gurdwara and Mr. Gurchet Singh Dhillon. No action on the part of the police would compel the Commission to doubt the police story that it was not aware about the affixing of the posters on the evening of 24<sup>th</sup> September, 2015. This seems to have been introduced by the police just to save itself of the apparent failure on its part to properly pursue the case. It appears that the police had thought of keeping quiet about this incident to pass it off as if nothing had happened. Police could not succeed in this regard due to affixing of posters at Burj Jawahar Singh Wala.

It is on record that the Investigating Officer SI Daljit Singh, had not recorded the statement of Manager Kulwinder Singh (CW-121) and Mr. Gurchet Singh Dhillon or any person from the Gurdwara or from police post Bargari. SSP Mr. S.S. Mann, DSP Jagdish Bishnoi, SHO Amarjit Singh also did not ensure that the statements of these relevant witnesses were recorded. How could police fail to record the Statement of a person who had first seen the poster and had removed the same? The DSP and the SHO had taken this poster fixed at village Bargari from CW-121. He was a witness from whom the poster was recovered but the police did not record his statement. One reason which would immediately strike in regard to not recording the statement of these witnesses can be that then the witnesses might have disclosed the fact that they had informed the police. May be that in order to avoid this uncomfortable fact coming on record, the police did not record the statement of these witnesses. If it was so, then this would reveal very serious lapse on the part of the police. Such lapses coupled with casual

approach are the reasons for these cases remaining untraced. The SIT headed by DIG R.S. Khatra has expressed some doubts about the conduct of Manager Kulwinder Singh (CW-121). CW-121 was asked to furnish names of the employees of this historic

Gurdwara when he missed giving name of one person against whom the police had carried some doubts. This may not be an innocent act on the part of CW-121 and it could be with motive to shield this person that his name was not disclosed by CW-121 in list given to police.

The police officers investigating this case apparently have not done anything to pursue the line of investigation about which there were clear indications. There were more than sufficient hints in the posters about the involvement of *Dera Premis*. No police officer has stated or shown anything if the investigation was done on this line. May be that the police officers were scared of the clout which the dera head had then carried. Some of the officers did obliquely admit this type of pressure at the back of their minds but took shelter by pleading that the writing on the posters could have been to mislead investigations. May be that it could be so but not pursuing the investigation to find if dera Premis were involved was a major lapse on the part of the police as it would ultimately reveal now.

SSP Faridkot S.S. Mann, DSP Jaito Jagdish Bishnoi/ SH Amarjit Singh are, thus, clearly found blameworthy for serious lapses in not carrying out proper investigation. This serious incident of, *sacriie* | | ^d; ^e-'to':<ble:^eM-.aceo.iflrTta'^ on this codigt., *mm* 'Singh ChahaT also failed to guide the *linvlest^iflon^* Their attempt to avoid responsibility by saying that these three incidents were transferred to CBI for investigation also cannot help them as they all had failed to carry out investigation on proper line | | fpSifly a<sup>1</sup>nd this may have resulted in case remaining untraced for considerable period. This plea, if pressed, would not help them as even now the cases are traced mainly due to efforts of SIT constituted by Punjab police. CBI is seen as silent \$ spectator and hall fvardjy,dbhe<sub>1</sub> any worthwhile investigation. It is intriguing to notice that the higher achlon of police is shy of claiming credit and is strangely observing total silence in even not observing the good work done by the SIT headed by SIT headed; by DIG R.S. Khatra. The casual approach of police initially can be seen from the fact that none of them remember name of even one person whom they had questioned or from whom they had carried out investigation. There could be number of suspects but still they do not remember or recollect any name. Obviously they had not carried out any worthwhile investigation into this

case. How a little forethought can lead to some leads would be discussed separately while discussing the latest status of latest investigation. Suffice it to say that these police officers named above are to be held responsible for not carrying out proper investigation into the **FIR** relating to affixing of posters. Appropriate action against them is recommended.

## MATURE OF INVESTIGATION

### **THIRD INCIDENT OF SCATTERING OF ANGS AT BARGARI**

As already noticed, the issue of affixing of posters at villages Bargari and Burj Jawahar Singh Wala was yet to see any solution when this serious incident of scattering of ANGS at village Bargari took place on 12.10.2015. Jagroop Singh *Sevadar* of Gurdwara informed the Manager of the Gurdwara Kulwinaer Singh (CW-121) at about 4.30 in the morning when he noticed some ANGS of *Sri Guru Granth Sahib Ji* lying scattered in front of historic Gurdwara Bargari. He also informed the Manager that some of the ANGS had been collected by *Granthi* of the Gurdwara. The Manager immediately came to the Gurdwara and reported the same to the Member SGPC Mr. Bath and Mr. Gurchet Singh Dhillon Akali leader who was from the same village. As has been noticed already, it is not understood why these serious incidents were not being reported to the police and information was being first conveyed either to SGPC member or Akali leader. Police post is located in village Bargari itself. It was at a distance of a few hundred yards from village Gurdwara. One ASI is the incharge of this Police Post. On receipt of this report from SGPC Member, when the SHO Amarjit Singh reached village Bargari he found ASI Palwinder Singh already present there and helping others in collecting the scattered ANGS. Strangely ASI had not even informed the SHO Amarjit Singh (CW-21) about this incident. As per Mr. Amarjit Singh (CW-21), on his inquiry ASI Palwinder Singh, told him (CW-21) that he (ASI) was going to inform him when he had reached the village. This in itself is an indicative of lack of requisite concern about such an incident.'The scattered ANGS were seen at about 4 a.m. in the morning but the SHO reached the village only at 6 a.m. The SHO (CW-21) had reached the village on getting information from member SGPC but ASI had not informed him at all.

In any event, the news about scattered ANGS of holy *Sri Guru Granth Sahib Ji* spread like a wild fire and soon various panthic jathebandis converged to village Bargari. Mr. S.S. Mann, SSP Faridkot was on leave and present at Amritsar. He also reached at about 9.30 a.m. on receipt of information about this serious incident. All the ANGS of Sri Guru Granth Sahib which had been scattered in front of the Gurdwara, and along the *Phirni* road as well, were collected and put in a *Palki Sahib* with due reverence and kept inside the Gurdwara

hall. A huge public had gathered within a short span of .time. The public was extremely agitated and was not ready to listen to the district administration. The Deputy Commissioner also reached there and along with SSP remained present outside the Gurdwara. As per the statement of Deputy Commissioner M.S. Jaggi (CW- 9), initially there was a crowd of about four hundred persons present at village Gurdwara but it kept on swelling with the passage of time. CW-9 stated that he had gone inside the Gurdwara as people did not know him. The gathering had constituted a committee of 10 members to decide the further course of action. 200 to 250 police persons were present outside the Gurdwara. DIG Ferozepur range and IG Bathinda zone had also reached village Bargari. There is some indication that Shri Paramraj Singh Umranangal had also reached there but this could not be confirmed with any satisfaction. CW-9 had spoken to PS to Chief Minister at about 2.30 p.m. asking him to instruct iG and DIG to reach village Gurdwara as they were sitting in police chowki Bargari. It is around this time when the gathering decided to move to Kotkapura with an aim to hold dharna.

What happened thereafter has already been noticed in detail in earlier part of the report. It is now to be seen whether any proper investigation of this incident of spreading of *ANGS* had been done or not. No doubt, the police had mainly got involved in tackling the situation arising out of Dharna at Kotkapura and issue of investigation of the incident of spreading of *ANGS* was put on a back burner. But still the police officers in fact got some time to take action instead of totally concentrating in controlling the gathering. In fact the police was unable to control the gathering from proceeding to Kotkapura either by way of persuasion or by adopting means to stop their move towards Kotkapura.

The investigation of this incident is required to be examined in the light of previous incident of affixing of posters at villages Bargari and Burj Jawahar Singh Wala. The manner in which the police came to know about this incident of affixing posters has already been noted above. The reading of the posters would reveal the intention of the person affixing the posters. Amarjit Singh (CW-21) and DSP Jagdish Bishnoi (CW-4) were aware of the contents of the posters. Besides containing abusive language about the Sikh religion and preachers it was written in one of the posers that '*SAROOP*' of *Sri Guru Granth Sahib Ji* which was stolen from village Burj Jawahar Singh Wala was in village Bargari. There was a challenge made to the

police to find out the same. Despite this police did not take any action to carry out search in the village at least to rule out the possibility of what was disclosed in the poster. The police even failed to grasp the warning which was to the effect that holy *ANGS of Sri Guru Granth Sahib Ji* would be thrown in the streets. It could certainly be expected from the police to carry out the search in the village and also to take preventive measures. Police could have deputed men to keep a watch discreetly in the villages so as to catch the person if he in any manner was going to make an attempt to scatter *ANGS of Sri Guru Granth Sahib Ji* in the street as was the warning. Nothing of this sort was done. In fact a specific question was addressed to CW-21 asking if police had taken any preventive action to stop any one from scattering *ANGS* and his answer was *"police had only detailed patrolling parties and except for that no other action was taken. No other preventive measures were taken by the police."* In fact no preventive measures at all had been taken by the police. This is only an afterthought on the part of CW-21 to say that patrolling parties were detailed. If it had been so, the patrolling party doing its duty at 4 a.m. in the morning could have been easily alerted to go after the person who had scattered the *ANGS* or in any event they could have been able to detect and check this incident if really any patrolling had been done. It has become clear that no patrolling was done on 11/12.10.2015.

It has also come out in the evidence of CW-21 that two persons from police post namely Hakam Singh and Sikandar Singh were detailed on patrol duty on the night of 11/12<sup>th</sup> October, 2015. As per CW-21, these police officials had told him that they had done the patrolling duty from 10 pm to 4 a.m. in the morning of 12<sup>th</sup> October, 2015. These police persons statedly had not seen any suspicious person in the village. The

police post is located in village Bargari. If these two persons had really done the patrolling duty then it was not possible for anyone to scatter *ANGS* starting from Gurdwara up to the main road along phirni road. One *ANG* was even found at a rehri at the main road Bargari-Bathinda which was very near to Police Post Bargari. The persons

spreading the *ANGS*, therefore, had gone around almost in the entire village. If these persons were on patrolling duty, the culprit could not have dared to do so. If CW-21 or DSP were serious then they ought to have taken action against these persons which was not done. Obviously, they had not been detailed for patrolling duty as otherwise, action was called for

against them. SHO or DSP could have taken action against these police officials if they had been detailed on patrolling duties. If proceeded against they would have brought out that they were never detailed, if indeed this was fact. Thus, this aspect has simply been raised to get over the allegation of not doing anything by the police to take preventive measures. The Commission has summoned both HC Hakam Singh and HC Sikander Singh. HC Hakam Singh (CW-257) has stated that he did perform patrolling duty as he had hurt his knee. He has also said that even Sikander Singh also remained present in the police post. Obviously they both were never detailed for patrolling duties and CW-21 and CW-4 have wrongly mentioned that they were detailed for such duties.

No doubt that the police got busy in tackling the dharna at Kotkapura from the evening of 12.10.2015 till the dharna was got lifted on the morning of 14.10.2015. The police duty to tackle law and order arising out of the dharna, thus, virtually came to an end on the morning of 14.10.2015. The situation arising out of the death of two persons and injuries to others at Behbal Kalan would have kept the police of Police Station, Baja Khanna busy. The situation came under control from the date, the last rites of the deceased were performed on 16.10.2015. Even thereafter police has nothing to show as to what all they did to investigate this serious incident of sacrilege. The responsibility to investigate the cases primarily was that of the SHO, Police Station, Baja Khanna but considering the serious nature of the incidents, the involvement of DSP and SSP of the district in the investigation was imperative. Indeed, the investigation of all these incidents was held not only under the supervision of the senior officers but they were actively involved in the same. In this regard, the evidence of Amarjit Singh (CW-21) would call for attention. As per CW-21, despite SIT having been formed police of Police Station, Baja Khanna continued to carry out the investigation into the incidents of sacrilege. CW-21 states that investigation was done from all angles including the suspicion on dera Premis. h'e states to have summoned Mr. Gurdev Singh (deceased) of Burj Jawahar Singh Wala for investigation being suspect. He had a shop in front of village Gurdwara Burj jawahar Singh Waia and was found present at his shop at 1.30 p.m. when the incident of sacrilege of stealing of 'SAROOP' of Sri Guru Granth Sahib Ji took place on ist June, 2015. CW-21, however, could not show anything in support of his oral assertion about he having summoned or to have interrogated this person. CW- 21 was not correct in stating that the posters affixed at

Bargari and Burj Jawahar Singh Wala were identically worded though he had seen and read all these posters. This will reflect the nature of investigation carried by him. He conceded before the Commission that when he removed the posters with the help of a pen he could notice that these appeared to have been affixed recently. The poster at Bargari, as already noticed, has been removed by the Manager. Despite serious warning conveyed through the posters, the police did not take any preventive measures to check threatened action of spreading of ANGS of Sri Guru Granth Sahib Ji. Should not the police have thought of deploying some men at Bargari or Burj Jawahar Singh Wala in discrete manner to keep a check on such mischief or even to catch anyone doing this? It may be hindsight view but is certainly not a farfetched but well expected.

CW-21 has conceded that SSP and other senior officers guided him about the course of investigation. Main line pursued was to obtain the handwriting of various persons in the village. This did not prove to be of much help. This witness (CW-21) did not remember even the number of persons who were called for investigation. It is quite strange to notice that upon detection of such serious incidents of sacrilege, the Manager or the management of the Gurdwara had been informing either to the Akali leader or the Member SGPC. CW-21 stated before the Commission that he had received a telephonic call from Sukhdev Singh Bath Member SGPC informing him about the incident of scattering of *ANGS of Sri Guru Granth Sahib Ji* in village Bargari, at about 4.32 a.m. in the morning of 12.10.2015. Mr. Bath had been informed about this incident by the Manager of the Gurdwara. Why the Manager did not inform the police located in the village itself and gave this information to Mr. Sukhdev Singh Bath residing in a village at a distance of 15 kilometres from village Bargari needed explanation. But no inquiry in this regard was done either from the Manager or from these leaders. CW-21 was not even informed about this incident by any one from police post at village Bargari. CW-21 left the issue at that and did not question the AS! in this regard. Even earlier also, the Manager of the Gurdwara Bargari had removed the poster after informing Mr. Gurchet Singh Dhillon. The police has failed to go into this important aspect as to why the poster was removed and police not informed, if it was so. The police ought to have questioned the Manager and Gurchet Singh Dhillon. Instead, the police even did not record the statement of the Manager or Granthi of Gurdwara. Perhaps the police was under the influence of Mr.



Gurchet Singh Dhillon. Evidence has come that CW-21 is related to Gurchet Singh Dhillon. That will explain why CW-21 had been soft towards Mr. Dhillon.

CW-21 was served with notice under Section 8-B of the Commission of Inquiry Act. He, however, did not appear on the given date. He (CW-21) was\*then afforded special opportunity when he contacted the Commission on telephone. This time CW-21 came well prepared and apparently had been apprised or briefed about the nature of queries he was likely to face. When asked as to why he had not carried out search in village Bargari even after reading the posters, he replied that the search was done; If it had been so, he was bound to state so in his initial statement, or in his affidavit. This he said as an afterthought and is not true statement. In fact the police had not carried out any search in village Bargari despite being aware of the writing in one of the poster that *SARUP of Sri Guru Granth Sahib Ji* was in village Bargari.' No witness has given evidence about search in village Bargari. CW-21 could not offer any explanation for not recording statement of Manager and Granthi of village Bargari Gurdwara when posters were recovered from them. Commission could clearly notice his discomfort when asked as to why he did not question the Manager or Gurchet Singh Dhillon for falling to report about fixing of poster and its removal at village Bargari Gurdwara. Either there was something amiss or it was due to undue influence of Mr. Dhillon over the police not to do so. Such important aspect otherwise, could not have escaped the eye of police.

Another strange aspect would appear from the manner in which CW-21 had conducted investigation in this case. FIR was registered but the recovered *ANGS* were not taken in possession. The reason given in this regard is that this was done to avoid public blaming the police for having committed any disrespect of holy *ANGS*. It is on

record that SSP Faridkot had told CW-21 to hand over the *ANGS* to committee of Gurdwara to avoid any blame coming on the police. If it was so then how could the police registered FIR against two brothers for taking away the *ANGS* from Kotkapura when dharna was got lifted on 13.10.2015. CW-21 states that he had asked the police to search around in the village and see if any *ANG* was found lying anywhere else in the village. During this process the police recovered two *ANGS* from the back side of the Gurdwara and one *ANG* was lying on the road leading from village Bargari to Ran Singh Wala. One *ANG* was also found on the road leading to Burj Jawahar Singh Wala. The police had handed over these *ANGS* after recovery to CW-21. If he was so concerned about the blame aspect, as stated by him, then he cannot explain why he took these *ANGS* in his possession. Further he took these *ANGS* with him to the house of Gurchet Singh Dhillon at Bargari. While sitting there, CW-21 called Gora Singh, Granthi of Gurdwara village Burj Jawahar Singh Wala to show him the *ANGS* which he had carried with him. As per CW-21, he showed these *ANGS* to Gora Singh Granthi when he told him that these *ANGS* did not belong to the '*SAROOP*' which was stolen from village Burj Jawahar Singh Wala. This will contradict the stand of CW-21, that he did not take possession of *ANGS* to avoid blame of disrespect made against police. Even the statement of CW-21 that Gora Singh Granthi had told him that these *ANGS* were not of the '*SAROOP*' which was stolen from Burj Jawahar Singh Wala is contrary to the statement of Gora Singh. While appearing before the Commission Gora Singh (CW-99) has categorically stated that he had identified these *ANGS* to be of the same *Sarup* stolen from his village Gurdwara besides stating that he was in a position to identify the *SARUP of Sri Guru Granth Sahib Ji*. CW-99 went on to explain that the *ANGS* of said *SARUP* were new and it carried a different type border on *ANGS*. He (CW-99) has further stated that Manager of Gurdwara Bargari called him to the house of Gurchet Singh Dhillon on the morning of 12.10.2015 when he had gone to village Bargari after hearing the incident of sacrilege. He found Amarjit Singh present at the house of Gurchet Singh Dhillon. CW-99 has mentioned that Sh. Amarjit Singh showed him few *ANGS* which he had collected and kept in *Siropa*. CW-99 states to have identified these *ANGS* to be of the same *Sarup* which was stolen from village Burj Jawahar Singh Wala.

This happened in the presence of Gurchet Singn Dhillon and number of police officials. CW-99 had even gone to Gurdwara village Bargari thereafter where he was shown the *ANGS* lying collected there and kept in a *Palki Sahib*. He (CW-99) had identified these *ANGS* also to be of the same *SARUP of Sri Guru Granth Sahib Ji* which was stolen from village Burj Jawahar Singh Wala. The persons present in village Bargari Gurdwara have confirmed this fact that Gora Singh (CW-99) had identified these *ANGS* to be of the same '*SARUP*' which was stolen from village Burj Jawarhar Singh Wala. .

When CW-21 appeared on recall, he was confronted with the evidence of Gora Singh (CW-99) in this regard. CW-21 then changed his earlier statement to say that CW- 99 was not sure and had said that these could be from the same '*SAROOP*' J. simultaneously saying that it may not be so. CW-21 even conceded that he might have slipped in conveying things. It is, thus, clear that Amarjit Singh has not given complete truthful account. Inquiries held later had established that these *ANGS* were from the same '*SAROOP*' which was stolen from village Burj Jawahar Singh Wala Gurdwara. The said *SARUP* had earlier sometime been used to perform *Anand Karaj* in the village where video recording was done. The *ANGS* recovered thus, were compared with the recording done at the marriage and found to be of the same *SARUP*.

The action on the part of CW-21 to conduct this investigation in the house of Gurchet Singh Dhillon was highly improper. During the visit of the Commission to village Bargari some persons discreetly came and shared with the Commission that Amarjit Singh and Gurchet Singh Dhillon were very close to each other and that they both may be related also. Some persons from the public also shared with the Commission that SHO Amarjit Singh had not carried out the search of village Bargari on the asking of Gurchet Singh Dhillon who had announced in the village that he will not allow police to search houses in the village. Shri G.S. Dhillon is stated to be an Akali leader having influence over the police. Amarjit Singh has no explanation to offer as to why he conducted the investigation of this serious case while sitting in the house of an Akali leader. The police post is located in the village and not far away from Gurdwara. The entire police set up failed to conduct the search in village Bargari despite being well aware about the contents of the poster stating that '*SAROOP*' was in the village Bargari.

May be that search may not have led to anything but not carrying out search is highly suspect. The allegation that the search was not conducted on the asking of Mr. Gurchet Singh Dhillon cannot be fully discarded.

CW-21 appears to have come up with padded version. These 4-5 ANGS were collected at 6 a.m. in the morning and later handed over to the Manager of the Gurdwara. CW-21 was caught in his own web when he stated that these ANGS were collected in the presence of SGPC Member Mr. Bath. The Commission then apprised him that Mr. Bath had reached village Bargari at 9 a.m. then how he could be present at the time of collecting the ANGS at 6 a.m. CW-21 then changed stance to say that these were collected along the officials of SGPC. CW-21, thus, cannot be taken as trustworthy witness.

It can be noticed that the police has taken a stand that it was keen to lift dharna so that it could concentrate on investigation of this incident. It was also keen to recover ANGS as a case property. When the public had sat on dharna at Kotkapura these ANGS had been moved to the site of dharna. When the police had succeeded in getting dharna lifted by arresting the protesters on the early morning of 13.10.2015, these ANGS were taken away by the protesters with them. The police had then registered a case against two brothers of village Panj Gerai namely Rupinder Singh and Jaswinder Singh with allegations of taking away these ANGS. They were charged with the offence relating to missing of ANGS of *Sri Guru Granth Sahib Ji*. It is in the evidence of Baljit Singh Sidhu (CW-64), DSP Kotkapura, that he had recovered these ANGS from one Beant Singh of Kotkapura. If the police had wanted these ANGS then why initially, the police itself had handed over the ANGS to the gathering at village Bargari. Keenness by the police to recover these ANGS for which it registered the case against innocent persons whom the police had arrested in this background would further get exposed. After recovering these ANGS from Beant Singh resident of Kotkapura the police had deposited these ANGS at *Gurdwara Sri Muktsar Sahib*. This happened on 17.10.2015. The police has not been able to explain its conduct in first being keen to recover the ANGS and then after recovery by depositing these in *Gurdwara*. Why it had registered a case for missing ANGS if these were going to be handed over to Gurdwara and were not to be used for

purpose of investigation? None of the police officers, specially CW-64, has been able to explain this contradiction. In fact the police seems to have literally no clue as to how to go about the investigations of these incidents of sacrilege. It has come in evidence that Jaswinder Singh had not even gone to Kotkapura. How he was named accused for taking away *ANGS* cannot be explained.

SSP Sukhvinder Singh Mann (CW-54) while appearing initially stated before the Commission that the police persons from special branch deployed at village Bargari had addressed the villagers that these *ANGS* would be needed for investigation. CW-54, however, was unable to give the names of such persons. This version is contrary to the statement made by CW-21 who has stated before the Commission that SSP had told him not to take *ANGS* in possession to avoid any accusation coming against the police for committing disrespect of these *ANGS*.

CW-54 was also served notice under Section 8(B) of the Commission of Inquires Act. Though earlier he was cooperative but while appearing in response to notice, he had adopted an adamant and non-cooperative attitude. He refused to answer all relevant questions by stating that he would do so in the presence of his counsel. When this witness initially appeared before the Commission on 11.7.2017 he was apprised about his rights, including his right to be represented by a counsel, if he so desired. He did not express any such intention to be represented by a counsel. When he appeared on 9.11.2017, he made an oral request to engage a counsel. His request was allowed and time was granted to him to engage a counsel. He was asked to appear on 14.11.2017. Notice under Section 8 (B) of the Commission of inquires Act was served upon him on 16.10.2017 requiring him to appear on 24.10.2017. He failed to appear on this date and sought another opportunity through his letter dated 01.11.2017. He was, therefore, summoned on 9.11.2017 when he made this request. His request for further time to engage a counsel was declined on 14.11.2017 when he submitted another application seeking time for preparing his defence. The Commission then apprised him of the requirement of Section 8(B) of the Commission of Inquires Act which was to give him an opportunity to explain any circumstance or fact appearing against him on the basis of which there may be a chance of his reputation likely to be prejudicially affected.

He ought to have realised that he had already appeared before the Commission and had made statement in detail. His request for time to prepare defence was, thus, found unreasonable and unwarranted. Since the Commission was also to inquire into the firing at villages Kotkapura and Behbs! Kalan and is to identify the role of police officers, incomplete inconclusive investigation of the incidents of sacrilege, an opportunity was being afforded to CW-54 to answer certain questions regarding handling of investigation and about his role while dealing with situation at Kotkapura.

CW-54 was then asked to state what all he did to investigate the incident of theft of *Sri Guru Granth Sahib Ji* at 3urj Jawahar Singh Wala when he replied that he would need time to go through the record. Similar was his answer when questioned about the nature of investigation carried out by him about incident of affixing of posters. His memory failed when asked if he was aware that the poster at village Bargari was affixed in the evening of 24.09.2015 and it was removed by the Manager at about 7.15 p.m. on the said date. He even failed to remember if the police was aware about this fact of affixing of poster at village Bargari on the evening of 24.09.2015. CW-54 declined to answer if the statement of Manager of Gurdwara Bargari was recorded or not. His attention was then invited to the evidence given by Sub Inspector (Retired) Daljit Singh (CW-61) who being Investigating Officer had stated that he did not record the statements of the Manager and the Granthi of Gurdwara village Bargari. He still declined to answer the question.

CW-54 was then shown the poster **Annexure HJ** and addressed a question if search was carried out at village Bargari. He was even apprised that police had not carried out any search at village Bargari as per the evidence coming on record. He still refused to budge. He even failed to answer the question if any preventive measures were taken after getting to know of the wording in the posters. He even declined to answer as to who was given responsibility to investigate these incidents of sacrilege. When questioned if decision to arrest Bhai Panth Preet Singh on the morning of was his or it was the direction of senior officers, CW-54 stated that he would answer this question in the presence of his counsel. When CW-54 admitted that he had spoken to Deputy Commissioner at Kotkapura on the morning of 14.10.2015, his attention was invited to the statement made by Deputy Commissioner (CW-9) to whom he had told that if needed the police might have to lift

dharna by force. CW-54 repeated his stock answer that he would reply to this question in the presence of counsel. CW-54 was then addressed the specific question if he had received instruction on the middle of night from DGP Punjab to lift dharna by force, his answer again was that he would reply to this question in the presence of his counsel. He even refused to answer the question by the Commission if the police had opened fire at the chowk at Kotkapura. The Commission had apprised CW-54 that the answers to these questions were on the facts in the know of the witness and for which no checking of record was needed but CW-54 still remained adamant and refused to answer any question\*. The Commission was then forced to record that the witness was purposely evading to answers the relevant questions and thus, interfering with the cause of justice. The Commission then went on to record that sufficient opportunities had been afforded to CW-54 and his action in refusing answer the questions and his request to bring a counsel was inappropriate and was a method to evade answering the relevant questions addressed to the witness. The Commission had then decided not to address him any further question. Thereafter no request has been received from this witness for appearing with counsel till the time of submission of the report. Refusal of CW-54 to answer and behave in this manner was with a purpose to avoid exposure for any blame coming against him. As already noticed, adverse inference can be drawn in terms of Section 114 of the Indian Evidence Act that the answer given by this officer would have gone against him and his refusal to answer was only to save himself of the blame.

In this context reference may now be made to the evidence of SI (Retired) Daljit Singh (CW-61) to the effect that on 25.9.2015 at about 7 a.m. CW-21 directed him to check various Gurdwaras and reach village Burj Jawahar Singh Wala where this witness, found DSP Jaito, DSP Kotkapura and SHO Baja Khanna present. CW-61 saw two posters affixed on the pillar at PIR Dodha which is adjacent to the village Gurdwara. He saw CW- 21 removing these posters with the help of a handkerchief. Leaving CW-61, at Burj Jawahar Singh Wala, CW-21 left for village Bargari stating that one poster had also been affixed at village Bargari. CW-21 returned at 10 a.m. to village Burj Jawahar Singh Wala

and directed CW-61 to register FiR which he did on the statement made by Ranjit Singh President of village Gurdwara. CW-21 then had detailed CW-61 to go to village Bargari and

bring the poster lying in the Gurdwara there. When asked, CW-61 failed to recollect if he had recorded the statement of a person about the time and date when the poster was seen affixed at Bargari. When questioned by the Commission, CW-61 stated *"I am not aware if information about the affixing of the poster on the evening of 24.9.2015 had been received in the police station by SHO and on his asking the poster was removed by the Manager in the evening itself"* CW-61 otherwise did not remember if he had recorded the statement of any person at village Bargari. He then expressed his inability to answer further questions without checking the record. The witness was given time to check record and was recalled. CW-61 has retired from the police service and was not shown the relevant files to know if the statement of relevant witnesses like Manager of Gurdwara Bargari and Granthi were recorded or not. That being the attitude of the police, how can one expect fair investigation. He, however, after talking to some police officers was able to recollect that he had not recorded the statements of Manager or Granthi of village Gurdwara Bargari. CW-61 also stated that poster which was affixed at Bargari was handed over to him by CW-21 and DSP (CW-4). CW-61 further stated that he did not meet the incharge of police post, Bargari nor recorded the statement of anyone from the police post Bargari about the time and date of the affixing of the poster. CW-61 had continued to remain as Investigating Officer of this FIR till the case was handed over to the CB>. CW-61 had not even prepared a rough site plan of the place at Bargari where this poster was affixed. This in itself would speak about the nature of investigation carried out by the police in regard to such a serious incident of sacrilege. Type of investigation done is quite apparent. No wonder SSP, Faridkot (CW-54) chose a convenient mode to block the relevant queries by the Commission and, thus, has conducted himself in a manner unbecoming of his position. He has, thus, exposed himself to the allegation of not ensuring proper investigation of such serious cases. iSSf Mr. S.S. Mann, DSP Jagdish Bishnoi '(CW-4)' a did SH<\$ Alnarjll;! Singh (CW-21) had not| carried proper Investigation of this serious incident of saibile&e. These police officer^ including Daljit Singh (CW-61) had mishandied tthe investigation! of this case. How could, they have missed to record the statement of a person from whom the poster was recovered at Bargari? They failed to record the statements of the police officials who had helped the public in collecting theANGS. It can be seen that no proper investigation was done at all. These police officers



are held responsible of serious lapses on their part as brought out above. They had not done any worthwhile investigation till the time the investigations were in their hands and it was till November, 2015 when the Government had handed over the investigation of the cases of sacrilege at Burj Jawahar Singh Wala and at Bargari to CBI. Shri S.S. Mann the then SSP, Faridkot, Shri Jagdish Bishnoi the then DSP, Amarjit Singh the then SKO Baja Khanna and SI (Retired) Daljit Singh Investigating Officer of these case are held responsible for not carrying out proper investigation of this serious cases of sacrilege till they were handling these. In addition, S.S. Mann the then SSP Faridkot is to be held responsible for wilfully refusing to answer the relevant questions by the Commission. As per Section 5(2) of the Commission of Inquiry Act, any person required to furnish relevant information is legally bound to furnish such information. As per section 6 of this Act, a person giving evidence before the Commission can be prosecuted for giving false evidence. His conduct is unbecoming of Government servant. His refusal to answer the questions by the Commission is to be taken as his admission by drawing adverse inference as per illustration (h) to Section 114 of the Evidence Act. Mr. S.S.Mann, the then SSP, Faridkot, Mr. Jagdish Bishnoi the then DSP Jaito and SI Amarjit Singh, the then SHO Baja Khanna are also held responsible for not taking/ensuring proper preventive measures to check the threat posed about spreading of ANGS in the posters. No preventives were taken despite clear warning. It is noticed that the police till date is doing everything possible to hide the facts coming before the Commission. SI Daljit Singh (Retd.) was not given access to the police file. See the attitude of the SSP S.S. Mann. All police officers have made every possible attempt to hide details from the Commission. Police officers looking after the investigation of cases have done nothing. They should not be allowed to get away like this. The Commission accordingly recommends appropriate action against them in accordance with law. The role of Gurehet Singh at Bargari is suspect. He is seen interfering with police functioning. His role in preventing police to search village Bargari

needs probe. Manager had removed the poster on his asking and he failed to inform police. This would need probe if the Manager had or had not informed the police on If the Manager had not informed the police then the action is called for against him. If the Manager had reported about affixing of poster to the police, then action against the police is required. It is too big a lapse to ignore.

### NATURE OF INVESTIGATION REGARDING INODENT AT VILLAGE GURSAR

Let us now take stock of two other incidents at village Gursar district Bathinda and village Malke district Mega. These incidents of sacrilege have been taken up for inquiry along the other incidents at Faridkot as these are seen to be part of the chain and connected with incidents of sacrilege at Bargari and Burj Jawahar Singh Wala. Later while holding inquiry into other incidents of sacrilege in the State, the Commission has noticed that there may be some other incidents in State which would appear to be connected as chain with these serious incident. Reference in brief would be made in this report but details would be recorded in separate reports.

The Commission had visited both the villages Gursar and Malke on 28.10.2017 and took stock of the situation on the ground. The relevant witnesses were also examined to understand the actual happenings. Jaimal Singh (CW-218) was the one who saw the scattered *ANGS* lying along the village *Phirni* road at Gursar. As a routine he had gone to pay obeisance at historic Gurdwara at about 5' a.m. with his wife. While returning from Gurdwara to their house, when he was going ahead of his wife, she called him and indicated that some *ANGS* were lying in front of the house of Mohinder Singh of the said village. CW-218 came to the place to which his wife had indicated and two *ANGS of Sri Guru Granth Sahib Ji* were found lying in front of the gate of the house of Mohinder Singh. His wife Baljit Kaur (CW-219) also apprised him that she had seen some papers lying in front of another house of Bahadar Singh which they both had already crossed. CW-218 came back and recovered three *ANGS of Sri Guru Granth Sahib Ji* lying in front of house of Bahadar Singh. CW-218 then brought his motor cycle and took all the *ANGS of Sri Guru Granth Sahib Ji* to village Gurdwara. When people gathered they saw some *ANGS* lying on a *Thara* {Platform} at the entry point of the village. Harjinder Singh son of Shri: Harnek Singh went ahead towards the main road to see if any *ANG* was lying towards that side or not. He found one *ANG* lying in front of isolated house located near the main road.

Baljit Kaur (CW-219) supported her husband in regard to what has been brought out above. Satnam Singh (CW-216) had also seen the *ANGS* lying on *Thara* (platform) around the tree at the entry point of village. The villagers had collected all these *ANGS* with

reverence and brought these to the Gurdwara which is a historic Gurdwara. Mohinder Singh (CW-217) another witness, who had sent an email communication to the Commission for making a statement, and had appeared when the Commission visited village Gursar. CW-217 has raised a suspicion against some political organisation being responsible for this incident of sacrilege though he did not have any concrete information in this regard. His apprehension is on the basis that some persons connected with the political organisation made a deliberate attempt to sabotage dharna which was organised by the public at Bhaktha Bhai Ke which is near to village Gursar. He has further expressed himself to say that fearing that this may not escalate further some organisation had committed this incident in village Gursar.

Gurdip Singh (CW-220) is another witness who has come up with his own theory. This witness states that he had organised *Sahaj Path* at his house in connection with marriage ceremony of his son. Granthi named Ranjit Singh used to come to his house to recite Path. Since his mother and father both knew to recite *Path*, they could notice that Granthi Ranjit Singh was not doing the *Path* properly and was seen turning pages over. Once the incident of sacrilege was noticed, the *Granthi* was asked to do *Ardas* praying that the person responsible for incident be caught for which they sought the blessings of God. As per this witness, while doing this *Ardas*, Granthi was shivering. The Granthi could not take the *WAK* (recitation from *Sri Guru Granth Sahib Ji*) properly and prayed that the person who had scattered the *ANGS* in the morning should come before the gathering as he was one amongst them.

SSP Rajeshwar and Gurjit Singh Ramana had also reached village Gurdwara and they both had taken the Granthi to a side and took him to a police station for interrogation. CW-220 has gone on to state that the Granthi had accepted before the police that he had thrown these *ANGS* in the street which were given to him by the President of the Gurdwara namely Iqbal Singh (CW-181). As per CW-220, Granthi Ranjit Singh was from village Bargari and his actual name was Karamvir Singh and he was working in village as Granthi under a fictitious name. According to CW-220, even Iqbal Singh had accepted that he had given these *ANGS* to the village Granthi. This witness complained that whole investigation was torpedoed on the intervention of Balwant Singh Nandgarh Ex-Jathedar of

Takht Taiwandi Sabo. He claims to have made a statement under Section 161 Cr.P.C. while appearing before DIG R.S. Khatra which was recorded by Inspector Dalbir Singh.

Other witnesses, who appeared before the Commission, like Sukhmander Singh (CW-221) have disputed these allegations made by CW-220. Commission could notice that the witnesses appearing before it were more concerned with election to the Gurdwara rather than assisting the Commission in its task to find culprit of this crime. The versions by some of the witnesses was actuated due to village and Gurdwara politics.

The Commission has examined Inspector Manjit Singh (CW-186) who had registered FIR in regard to this incident. He had reached village Gursar on receipt of information on telephone from Iqbal Singh. Before that he had also been informed about this incident by DSP Rampura Phui Gurjit Singh Ramana. Though he had recorded the statement of Iqbal Singh but did not record the statement of Granthi of Gurdwara Roop Singh. He also did not do proper investigation and even did not call Granthi of Gurdwara Burj Jawahar Singh Wala to find if the *ANGS* scattered were of the same *SARUP of Sri Guru Granth Sahib* which was stolen from the said village. This witness has taken shelter behind the fact that the investigation of this incident was transferred to SIT. This is the SIT headed by DIG R.S. Khatra which is presently investigating this case as well. -

This incident has also remained unsolved. Though the investigation of sacrilege at village Burj Jawahar Singh Wala and village Bargari were transferred to CBI for investigation but this incident of sacrilege at village Gursar has continued to be investigated by the State police. Investigating Officer from the CBI was also called and examined by the Commission but he declined to share the course of investigation with the Commission. The Commission also did not insist with him to disclose the details to avoid any lead available with CBI getting exposed.

The incident at village Gursar village Malke are being investigated by SIT headed by DIG R.S. Khatra with Inspector Dalbir Singh as one of his team member. They both were called and asked to share the course of investigation being carried out by them. They had in fact interrogated Ranjit Singh Granthi thoroughly. After due investigation, the said Granthi was released. The SIT did not find anything against Granthi Ranjit Singh. It, however, came out that he was working under a fictitious name. Why and what for he was doing this has remained unexplained.

NATURE OF INVESTIGATION QF -iMODENT AT VILLAGE MALKE

The Commission had then visited village Maike where it recorded the statement of Shri Harinder Singh (CW-223) who had earlier worked as a Chairman of Punjab State Electricity Board and was from village Maike. Before recording the statement of this witness, the Commission had inspected the entire area where the ANGS were scattered and had observed as under:-

*"Before recording the statement of present witness, the Commission had inspected the entire place where ANGS were scattered along the streets of the village as indicated by the witness. There is road leading from Samalsar to village Maike and it joins the village road making a T-junction. The ANGS were found torn and scattered from this junction leading to streets inside the interior of the village. Number of ANGS were found thrown on both sides of the street. As stated by the witness, the ANGS were probably scattered by a person riding a motor cycle. At one place where the street takes a turn, there were fresh skid marks of motor cycle which certainly pointed towards the person having done the same while riding the motor cycle. The ANGS were found scattered over a distance of about 500 mtrs. The ANGS seemingly were thrown either in the cow dung heaps or dirty water NALIS (Waste water Drains). The Commission has noticed that one place there is a common puccha area having construction for rows for the purpose of village folk sitting having a tree in between. As disclosed by the witness, number of ANGS were found thrown at this place."*

CW-223 has given evidence in very minute details. He had reached the village on hearing the incident of sacrilege where ANGS of *Sri Guru Granth Sahib Ji* had been scattered in the village. CW-223 received this information through his servant while he was present at Faridkot. This happened on 4.11.2015. He reached village Maike at about 8 a.m and found police was in the process of collecting of scattered ANGS with the help of some civilians.

The witness has thereafter given details as to how he stopped the persons from collecting the ANGS so that investigation of this incident did not get hampered. As the police could then make excuse that the case property was not given to it. CW-223 told

the police to bring all the aids for proper verification of the site and all the ANGS which were case property and only then they could proceed further. Dog squad, finger prints expert and photographer were then requisitioned. DIG Amar Singh Chahal and Deputy Commissioner M.S. Bhullar had also reached the village. Large number of public had gathered when CW-223 addressed the public expressing gratitude on behalf of the villagers and then prayed before them to maintain calm so that the police did not get a chance to say later that they were not allowed to investigate the case properly. As per CW-223, public had accepted his appeal and had maintained total calm. The police was given free hand to carry out proper investigation and when the police had satisfied itself only then the remaining ANGS were collected as these were allowed to be kept as these were lying. The public which had gathered was heard accusing the police alleging that it is the same police which had taken action at Behbal Kalan when CW-223 again spoke on the mike and asked the district administration to leave Gurdwara.

CW-223 deserves appreciation for what he did, Commission has noticed that in almost every case of sacrilege the police had been more keen to deposit the scattered ANGS rather than carrying out investigation of the case properly. It is because of this that most of the serious cases had remained unsolved.

The decision was then taken to send these ANGS for examination by experts to a Forensic Science Laboratory at Ahmadabad. CW-223 was chosen as one of the representative who would accompany the police for getting ANGS examined. This witness has then given details as to how he had taken the ANGS with due reverence and ensured that these were inspected with due sanctity and regard to the religious sentiments. The ANGS were inspected with due reverence at the lab as well and were taken in the flight in the similar manner. Certain finger print marks were noticed on the ANGS. Even impression of palm was noticed as apparently the 'SAROOP' of *Pothi* had been turned around from the centre to tear ANGS. Words *EK ONKAR SATGURU PARSAD* were found written on title cover and bore one signature. These ANGS-are still kept in safe custody at village Gurdwara. CW-223 has stated that the person committing this act was well conversant with the layout of the village and easily escaped towards Bargari

side. Title Cover of the *Sri Guru Granth Sahib Ji* was recovered from the vicinity of village



Bargari.

Despite allowing the police to use all tools for investigating this incident the police seems to have not carried out proper investigation into this case. FIR in this case was recorded by SI Gurpai Singh (Retired) (CW-187). CW-187 stated that he was on patrolling duty when he received a call from Gurmit Singh MHC at about 5 a.m. about the incident at village Malke. Despite being present in the vicinity he reached village Malke at about 6/6.30 a.m. He could not explain this casual attitude in reaching the village after learning about the incident so late. He was just at a distance of about 4 to 5 kilometres from village Malke. He had recorded the FIR. As per Sewak Singh (CW-172), his statement was recorded in the presence of SHO Gurpiar Singh (CW-241) while they were present in the bedroom of the witness. It is differently shown in the FIR. Despite being fully aware of the persons who had seen the scattered *ANGS*, the SHO and CW- 187 did not record the statement of Gurdev Fauzi, his wife, his two daughter-in-laws, his son Raju and 3-4 boys who had first seen the scattered *ANGS*. Thus, the police had conducted the investigation in this serious case in most casual manner and even did not record the statements of all relevant witnesses. None of them are presently available having left the country or some of them having left the world even.

Since as per CW 187 investigations were taken over by SHO Gurpiar Singh (CW- 241) he was also summoned as a 'witness by the Commission. Gurpiar Singh was found most ill-informed and he did not know anything when he appeared before the Commission on 21.12.2017. He appeared before the Commission after avoiding appearance on number of occasions. He had to be summoned through bailable warrants. He was found most casual in his approach. As per this witness, MHC Gurmit Singh had received a call in the morning of 4<sup>th</sup> November, 2015 at 6.30 a.m. As per him, he had reached at village Malke at 7 a.m. CW-241 stated that he had recorded the statement of Sewak Singh. He was then caught and confronted with the fact that FIR was registered by ASI Gurpai Singh. He was also ill informed about the place where he had made inquiries from Sewak Singh. When he stated that he had recorded the statement of Sewak Singh in the presence of public, he was confronted with the version given by Sewak Singh that his statement was recorded while sitting in his bedroom. When caught in this manner he took time to examine the record and again appeared on

27.11.2017. He then stated that MHC Gurmit Singh had received a phone call at 5.30 a.m. He had disclosed that Gурpal Singh was only shown at patrolling duty but in fact was present in the police station. MHC Gurmit Singh first informed Gурpal Singh, that somebody had thrown ANGS in village Malke. SHO in fact had reached village Malke at about 9/9.30 a.m. Thus, the police took this serious incident in a most casual manner and did nothing despite being put on a right track by the public. SHO Gurpiar Singh and Sub Inspector Gурpal Singh had carried out investigation of this case in a most casual manner.

A Special Investigating Team was constituted by ADGP I.P. Sihota vide his order dated 30.11.2015 nominating DIG R.S. Knatra as its Chairman. This SIT has continued to carry investigation of the case of sacrilege in Malke and Gursar. Besides this SIT has also not shied away from looking into the cases of sacrilege at Bargari and Burj Jawahar Singh Wala. Though the officers earlier dealing with the investigation of incident at village Burj Jawahar Singh Wala and village Bargari apparently did not pursue investigation on some proper lines and theories but this SIT was found working on some concrete basis which are very logical and it was expected that it may lead to some positive results. Indeed it has turned out to be so. SIT has succeeded in giving result.

When the other police officers were questioned about the line of investigation they apparently referred to certain lines without showing if they had pursued these lines. They were also found to be not pursuing these lines of investigation to its logical ends. Though initially when the incident of theft of *Sri Guru Granth Sahib Ji* took place at village Burj Jawahar Singh Wala, suspicion could be against many. Apart from the criminals or the persons manning areas, the Premis were not seriously taken as suspects. There is, however, no reason for the police not to suspect Premis once the incident of affixing of posters surfaced. It may have been a method to mislead the investigation but merely on that assumption the police could not have ignored the investigation on this line. If the police had followed this line it could have ruled out the possibility of involvement of the Premis but not carrying out any serious investigation in

this regard was a major lapse on the part of the police. Now it has come out that these incidents were committed by followers of Dera Premis.

It's noticed with satisfaction that the S\$ headed by DIG P..S. Khatra with the able assistance of his team has not only pursued the investigation of cases at Gtirsar and Malke but has followed the leads to Investigate! the causes of sacrilege at village Burj Ja^ahar Singh Wala and village Ba jgari.

### ASSESSMENT BY THE COMMISSION

Let us take notice of some very glaring facts which would lead to a strong suspicion in regard to involvement of Premis in this incident. Theft of *Sri Guru Granth Sahib Ji* had taken place on 1.6.2015. Second incident of affixing of posters using abusive language were affixed at Burj Jawahar Singh Wala on 25.09.2015. A day prior to that a poster was affixed at Bargari on 24.09.2015. On 18.09.2015 a film Messenger of God produced by the Head of *Dera Sacha Sauda* was released all over India but was banned in Punjab because of edict against head of dera by *Aka! Takht Sahib*. Apparently there were moves under hand going on between Punjab Government headed by then

ruling party leaders and the Head of the *Dera Sacha Sauda* for release of this film in the Punjab as well. Out of blue on 24.09.2015 *Jathedar of Aka I Takht Sahib* granted pardon to the Head of Dera Sacha Sauda against the edict of boycott and this paved the way of release of film of Messenger of God in Punjab on 24.9.2015 itself. September 24, 2015 was day when the first poster was affixed at Bargari. If someone from Dera Sacha Sauda was involved, then the action or direction to affix these posters had already been issued and there was no time to withdraw the command and so he affixed the posters on 24/25.09.2015. If the person doing the act was on his own then he may not have been aware about ongoing under hand move to grant pardon: to the head of the Dera Sacha 4 Sauda and, thus, affixed the posters. #

Bhai Baljit Singh Daduwal (CW-94), who was appointed as *Jathedar Takht Dumdum Sahib* by *Sarbat Khalsa*, while appearing before the Commission had brought out the procedure which *Sri Akal Takht* is required to follow as per the Sikh religion while granting pardon to any person who had committed any religious mis-conduct. As per this witness, no one can be allowed pardon without appearing before the *Akal Takht Sahib*. As per *Maryada*, person accused of religious mis-conduct, has to apply admitting his mis-conduct and then he is summoned before five Jathedars for due consideration of his offence/mis-conduct and then decision is taken to grant him pardon or not. CW-94 says that the manner in which Sri Akal Takht Sahib had granted pardon to the Head of

Dera Sacha Sauda was unprecedented as it has never happened in the history of Sikhism. Unfortunately, SGPC refused to cooperate with the Commission and the confirmation about the procedure of pardon could not be obtained. In the absence of SGPC, the procedure given above is taken as correct. This aspect has otherwise been noticed in number of other cases like when Sikh leader visiting *dera Sacha Sauda* asking for votes were summoned by *Sri Akal Takht Sahib* and had appeared before the *Takht*.

It is on record that Head of *Dera Sacha Sauda* never appeared before *Sri Akal Takht Sahib* when he was granted pardon. It can be made out from the reports of the relevant period that a letter was written by head of *Dera Sacha Sauda* to *Sri Akal Takht Sahib* and on the basis of that letter five *jathedars of Takht* had decided to grant him pardon on 24.09.2015. The issue being deliberate, the Commission consciously did nothing to hurt any religious sentiments. The Commission had addressed a communication to the Secretary, SGPC as well as Secretary, *Sri Akal Takht Sahib* with a view to exchange views not only for taking measures to protect the Gurdwaras from the sacrilege but also to have a record regarding the pardon granted to the head of *Dera Sacha Sauda* as it had become a very relevant issue to see if the followers of *Dera Sacha Sauda* were behind the incident of sacrilege or not. The SGPC, for the reasons best known to it decided not to cooperate with the Commission and took a line adopted by political party Akali Dal. Use of some inappropriate words against the Commission followed by political leaders of erstwhile ruling party as well as by SGPC while announcing boycott of the Commission. The party which prides itself to be representative of *Panth* could be expected to help the Commission in tracing the person or the organisation responsible for committing these incidents but alas it chose to follow unjustified path in not cooperating with the Commission. What to talk of cooperation, the Commission has to observe with regrets that the institution like SGPC started making mis-statement in the public domain to say that the Commission had summoned *Jathedar Sri Akal Takht Sahib* which it had not done. The Commission had to come on record to set the record straight when this mis-information was being spread blatantly in a false manner. The summons were issued to SGPC only once it failed to cooperate with the Commission to exchange talks for which purpose the Commission

had gone all way to Amritsar and that too on the assurance by the Secretary, SGPC as well as Secretary of *Jathedar Akai Takhi Sahib* that they were ready to exchange views with the Commission. Despite request, the SGPC did not cooperative with the Commission. President SGPC or his representative did not appear before the Commission despite being summoned, instead of making issue, the Commission had decided to go ahead without insisting on their presence and obtained this information from other available sources. In this regard the Commission had passed the following order on 09.10.2017:-

*"President SGPC or its representative, summoned for today has chosen not to assist the Commission by not appearing. Enough indications were given for this non-cooperation by President SGPC when he had gone public about his stand in this regard. SGPC even was expected to willingly come forward to help and assist the Commission to trace the culprits committing sacrilege of Shri Guru Granth Sahib Ji. Commission carried legitimate expectation of ail possible assistance from SGPC in this inquiry. Instead of assisting the inquiry, SGPC has joined in Chorus with politicians to use inappropriate language against the Commission. While adopting this obstructive approach, SGPC has spread misinformation that the Commission has summoned Jathedar Shri Akai Takht Sahib while being fully aware that no such summons were ever issued by the Commission. Even summons to SGPC were issued only when no one responded to the request letter sent by the Commission for a meeting. This request letter was also sent to Shri Akai Takht Sahib for eliciting suggestions for checking incident of sacrilege. For this purpose, Commission had gone all the ways to Amritsar when Secretary, SGPC and PA to Jathedar Akai Takht Sahib had agreed to meet the Commission. This request could neither be termed as summon nor was it aimed at summoning any one. The Commission, later, received a communication signed by Secretary, SGPC on 13<sup>th</sup> Sept. 2017 that Jathedar Akai Takht Sahib or representative traditionally do not appear before Courts. The Commission promptly clarified on 13<sup>th</sup> Sept. 2017 itself that it was conscious of the sanctity and religious status of Shri Akai Takht Sahib. It was further clarified that only request letter was sent which is evident from the fact that Commission had travelled to Amritsar for this purpose. It is well known fact that SGPC is regularly being sued and is suing different parties in Courts of Law. Can it claim immunity from appearing? it (SGPC) could easily have detailed representative to suggest measures*

*even if it had any inhibition to produce the summoned record. Till date no objection is forthcoming for producing the record. Those who are raising objections seem to have no concern to unearth the acts of sacrilege. No measure appears to have been taken to check incidents of sacrilege which have gone on unabated. Those who did nothing to trace the culprits are making insinuating noise when efforts are on to find such culprits. The Commission has to concentrate on the pious task at its hand and ignore all such digressions. Trained Judicial minds can easily ignore all such insinuating references in magnanimity. The Commission has commenced its task after blessing from holiest of holy Shri Darbar Sahib Amritsar. The evidence of witnesses at Bargari and Behbalkalan were recorded while sitting in the village Gurdwaras. Could there be any better way to get at truth.*

*Judges take oath in the name of God to administer justice without any favour, affection, ill-will or partiality. One can imagine the amount of burden on person who is to inquire into incident of sacrilege of holy Guru God Shri Guru Granth Sahib Ji. One cannot afford to go wrong even unintentionally while performing such a onerous task. Any wrong indictment of any one would be as unpardonable as would be allowing any one responsible for such sacrilege to escape.*

*Let us now take up the issue before the Commission. Though the Commission would have various options to choose but it will devote itself to the main task assigned to it. In view of the non-cooperative attitude of SGPC, the Commission has been deprived of the view of this august body. Commission on its part would exercise its option to get all such material through other available sources instead of joining issues with SGPC. The summoned record is in pulsions it is well published in the press and social media. The Commission will now have to depend upon this unauthenticated record. Commission would still wait for assistance from the SGPC if it ever has a change of heart. On its part, Commission would tell those talking out of turn to hold their breath till the Commission submits its report. Commission has given a call to public at large to correct forward and assist the Commission to complete its legal task which is pious as well." £*

24.9.2015 Coming back to the facts which may indicate the involvement of the followers of Dera Sacha Sauda in this incident of sacrilege, it can be noticed that when Sri Akal Takht Sahib granted pardon to the head of Dera Sacha Sauda on 24.9.2015 there was a

24.9.2016 huge resentment amongst Sikhs and it became an issue over which the Government really was seen losing control. Sikh Jathebandis made an announcement for holding a *Sarbat Khalsa* to protest against grant of pardon to the head of Dera Sacha Sauda in this unprecedented manner. Move was on even to replace jathedars of Takhts. Panthic bodies gave a call for holding meeting at Ludhiana on 12.10.2015 for preparation of Sarbat Khalsa. On this day, someone came and scattered the *ANGS of Sri Guru Granth Sahib Ji* in village Bargari. If this is a co-incidence then it is too much of co-incidence. On grant of pardon takes place and the film is released. On this day objectionable posters are affixed at village Burj Jawahar Singh Wala and village Bargari. It is clearly written in one of the posters that '*SAROOP*' of *Sri Guru Granth Sahib Ji* is in village Bargari and if the film is not allowed to be released then the '*SAROOP*' would be thrown in the streets. The film was released on 24.9.2015. When the call is given for meeting at Ludhiana to chalk out the programme of holding *Sarbat Khalsa* in November, then on the same day i.e. 12.10.2015 the *ANGS of Sri Guru Granth Sahib Ji* are scattered in village Bargari. On 16.10.2015, *Akal Takht* withdrew the grant pardon to head of Dera Sacha Sauda. Soon thereafter another incident of scattering *ANGS* takes place at village Gursar on 19/20.10.2015. On 4<sup>th</sup> November, 2015 *ANGS* are scattered in village Malke.

24.09.2015 It seems to have a connection with *Sarbat Khalsa* being held on 10.11.2015. These incidents seem to be related to the action of *Sri Akal Takht Sahib* when it withdrew the pardon granted to the head of *Dera Sacha Sauda* on 16.10.2015 due to extreme resentment expressed by Sikhs.

For getting copies of two '*Gurmatas*' passed by *Sri Akal Takht* one dated 4.11.2015. granting pardon and second dated 16.10.2015 withdrawing that grant of pardon, the Commission had summoned representative of the SGPC. These documents were considered relevant for the purpose of inquiry as these were pointing out towards the involvement of followers of *Dera Sacha Sauda*. Once *Sri Akal Takht Sahib* cancelled the order granting the pardon on 16.10.2015 another incident of sacrilege had taken place on 19/20.10.2015 at village Gursar followed by incident at village Malke on Some other incident of this nature has happened after 04.11.2015 but not of that serious dimensions. These incidents of sacrilege have happened at locations which are very dose to each other. This fact cannot be brushed aside lightly. The leads were quite apparent from the material available.



Other incidents during this period are also not very far off from these locations. These are apparently related to the situation of confrontation between Sikhs and followers of Dera Premis.

It is to be noticed that the incident in district Faridkot and in adjoining villages in districts Bathinda and Moga are well planned done after procurement and committed after racee without leaving any trail whatsoever. The call for *Sarbat Khalsa* was for The *Sarbat Khalsa* was held and some announcements were made. The incidents on 04.11.2015 could be due to pending date for holding of *Sarbat Khalsa*. These incidents in districts Faridkot, Moga and Bathinda are in that arch which is connecting villages which were quite active during 1984 problem in Punjab. Sant Jarnail Singh Bhinderawala was from village Rede in this arc. Village of General Brar, who commanded the forces for action in *Darbar Sahib*, is also located in this arc. The writing in posters using abusive language would give indication of the possibility of involvement of followers of *Dera Sacha Sauda* who had always been as vocal against Sant Jarnail Singh Bhinderawala, Sant Ranjit Singh Dhadrianwala and Sant Daduwal.

One Gurdev Singh resident of village Bijrj Jawahar Singh Wala was one of the suspects who has since been murdered, it has come before the Commission that late Gurdev Singh used to talk in an undesirable manner. One of the witnesses shared with the Commission that late Gurdev Singh was heard saying that so what if *Sri Guru Granth Sahib* has been stolen it is a book and can be purchased for four hundred rupees. This was something which could not be expected from any person even not having faith in Sikh religion. *Sri Guru Granth Sahib Ji* is taken as living *Guru* by Sikhs. Late Gurdev Singh is one whose father had earlier been Granthi of village Gurdwara and he had been staying in the Gurdwara. It is only after he became follower of Eshera Sacha Sauda that he was noticed having this attitude. He was having a shop in front of the Gurdwara and was present at the time when the theft of 'SAROOP' had taken place in the Gurdwara at village Burj Jawahar Singh Wala. He had earlier been questioned by the police and was now being also questioned by the C&L. He was last summoned by the CBI in May 2016 and was then asked to appear at Delhi for further questioning sometime in end June, 2016. Before that in June, 2016 he was murdered in the village. Though, the then Government has not shown any will to accommodate the wards of those who were killed at village Behbal Kalan and those who suffered serious injuries in police action but it was rather prompt in appointing the

wife of Gurdev Singh as Constable in the Punjab. Contrast this with the treatment given to son of Sri Krishna Bhagwan who is given an adhoc employment carrying 5000/- as salary and so is the fate of Beant Singh. The cause of this discriminatory attitude cannot find any justification. Mind you Gurdev Singh is victim of ordinary crime whereas others were killed in police action. Similarly, the failure on the part of the police to seriously pursue the line indicating involvement of followers of *Dero Sacha Sauda* also would not have any valid justification. May be the fear of *Premis* and head of dera was too much for ordinary police officer to bear. It is only because of SIT headed by DIG R.S. Khatra that serious cases of sacrilege have been investigated. At least some efforts have continued and have yielded some result. This SIT has shared some details with this Commission.

As already noticed, the incidents at Burj Jawahar Singh Wala, Bargari District Faridkot and at Gursar district Bathinda and Malke district Moga appear to be handiwork of same persons or organisation as these incidents were well planned committed after procurement upon due racee. These were well organised leaving no trail for recovery. Village Burj Jawahar Singh Wala, Bargari, Malke and Gursar are located in very close vicinity. Burj Jawahar Singh Wala is in the centre and Bargari is four kilometres from village Burj Jawahar Singh Wala. Village Malke though in district Moga but is six kilometres from Burj Jawahar Singh Wala on the opposite direction of village Bargari. Gursar is about 15 kilometres from Burj Jawahar Singh Wala but is located at 90 degree angle from Burj Jawahar Singh Wala while Bargari and Malke are making a straight line with Burj Jawahar Singh Wala in the centre. Outer limits of Police Station Gursar and Police Station Baja Khanna are touching each other. These incidents taking place in close vicinity would clearly indicate that these were organised after planning by same set of individuals or organisation. Who ah can be interested in doing so? First

suspicion would be towards dera premis who wanted MSG movie released. It is noticed that the person spreading ANGS at Malke had gone towards village Bargari as the title cover of the holy book was recovered from Bargari side; Analysing the situation it could be said that these incidents in district Faridkot and districts Moga, Bathinda are adjoining to each other happening at places which are close vicinity.

These incidents are committed in between September to November, 2015. Incident at Malke was on 4<sup>th</sup> November, 2015. This was the time when Assembly

elections in Bihar were on. Last phase of polls was on 5<sup>th</sup> November; Results of Bihar assembly were declared on 11<sup>th</sup>/12<sup>th</sup> November, 2015. After 4.11.2015 no incident of sacrilege has taken place in manner in which these incidents were committed as these were well planned and committed in a organised manneir. Did someone organise or got these incidents organised due to Bihar assembly elections? it can b;e a poser. The organized manner in which these incidents were done came to an end after completion of elections in Bihar. Head of *Dera Sacha Sauda* had invariably been declaring support to political parties in each and every election. He did so during last assembly elections in the States of Haryana and Punjab. It is now that Dera head has been exposed for his criminal activities. Till this time he: was considered beyond the reach oif law. He could be expected to go to any extent to show his clout.

Yet another angle has suddenly surfaced from one memorandum submitted to Governor Punjab duly signed by Sihri Sukhbir Singh Baolal of Akali Dali and Mr. Vijay Sampla of Bhartiya Janta Party. In this memorandum these leaders have inter-alia averred that they have learnt from reliable Media sourcesl that the incidents of sacrilege in the State are due to deep rooted National level conspiracy. Tili now there is no such material available before the Commission except for one statement which the then Chief Minister Mr. Parkash Singh Badal had made and which appeared in Newspaper Ajit stating that some foreign hand (outside agencies) and political outfit were bent upon . disturbing peace in the State. No such material has appeared before the Commission. The Commission had obtained the copy of this memorandum duly signed by Mr. Sukhbir Singh Badal, Mr. Vijay Sampla from the office of Chief Secretary. The Commission had, then sent one communication dated 19.01.2018 to Mr. Sukhbir Singh Badal and Mr.

Vijay Sampia to come on affidavit and share this information available with them with the Commission as it is very vital for the inquiry.

Though Mr. Vijay Sample did not file ally reply to the notice issued to him but Mr. one evasive response through his letter dated 28<sup>th</sup> February, raising questions abbpidependence Ojf th£ Commission alleging that it could,not te expected to function in an imparaal manner. In this reply, Mr. Sukhbir Singh Badal has also mentioned that he was ready to assist any Commission if constituted of the sitting Judge of the Hon'ble Supreme Court or of the High Court. Besides this, he has made certain misplaced allegations that the findings of the.Commission have been prejudged by the appointing authority.

Finding that the response by Mr. Sukhbir Singh Badal was evasive, misleading and misplaced, he was afforded another opportunity by the Commission through his letter of 6<sup>th</sup> March, 2018 to disclose information about so called deep routed national level conspiracy before the Commission. The relevant observations of the Commission are as under:

*"From the tanner of your letter, it can be made out that despite being aware of deep-rooted conspiracy having International ramification behind the incidents of sacrilege in the State, you are not prepared to share the same with the Commission. Being a responsible citizen and head of a political party, professing Panthic agenda, you are duty bound and obliged to reveal your knowledge about this deep-rooted conspiracy. Hon'ble former C.M., Sh. Parkash Singh ji Badal had made a statement, which appeared in the Newspaper in Oct. 2015, that some foreign agencies were behind the incidents of sacrilege. You being head of Home Department of the State till March 2017, must be aware of this conspiracy theory for quite some time by*

*now. That being so, you ought to have taken appropriate measure to unearth the same, it is therefore, imperative for you to share this information with the Commission. It is very important as no such information or evidence has appeared before the Commission about such level of conspiracy.*

*Instead of resorting to spreading falsehood and misinformation, you have better option to appear before Commission and disclose the information available with you about this conspiracy. While ignoring your insinuatory utterances, the Commission would still call Upon you to assist the Commission in its pious and onerous task. There is not much need to emphasise here that Judges are well trained to ignore frivolous, false and contemptuous propaganda to concentrate on the assigned task. It is because of this judicial training that the Commission has restrained itself from confronting you and others with the evidence available with the Commission raising serious doubts about nature of investigation carried out in the cases of sacrilege or in regard to efforts to check these incidents. .*

*You are once again called upon to share this information with the Commission on or before 16<sup>th</sup> March 2018."*

Though notice was being issued to Mr. Sukhbir Singh Badal but response was being filed on behalf of Shiromani Akaii Dal which was not put to any notice. Another response was received by the Commission through letter dated 15<sup>th</sup> March, 2018 in which again, Mr. Sukhbir Singh Badal had refused to provide the so called information about conspiracy available with him. Not only that, he had distorted the contents of the notice sent by the Commission by partially quoting contents thereof. Mr.Sukhbir Singh Badal had also made some insinuatory allegations against the Commission. He had also arrogated himself to state that he had rejected the Commission. Noticing this attempt on the part of Mr. Sukhbir Singh Badal to bring disrepute to the Commission it had

passed the one order on 15<sup>th</sup> March, 2018, observing that there was lack of responsibility on the part of Mr. Sukhbir Singh Badal to share this information besides noting that he had apparently made false averment in the memorandum submitted to the Governor of Punjab. The order passed the Commission reads as under:-

*"Commission has received one letter from Sh. Sukhbir Singh Badal today.*

*From the duly signed memorandum submitted by Sh.Sukhbir Singh Badal and Sh.Vijay Kumar Sampla to the Hon'ble Governor Punjab, it could be noticed that the signatory to the memorandum claimed to be in the know of evidence about deep-rooted conspiracy having international ramification behind the incident of sacrilege. Since the Commission is responsible to marshal all evidences about the incident of sacrilege, it had decided to require Sh. Sukhbir Singh Badal and Sh.Vijay Kumar Sampla ji to share and disclose this information before the Commission. In addition the Commission has referred to Newspaper report about the statement made by the then CM S.Parkash Singh ji Badal about some foreign agencies behind such incidents.*

*On 1st March 2018, a letter was received from Sh.Sukhbir Singh Badal while another communication was addressed to him by the Commission on 1.3.2018. On 6<sup>th</sup> March, 2018, Commission sent another letter to Sh. Sukhbir Singh Badal requiring him to respond by 16<sup>th</sup> March, 2018.*

*In his response, Sh. Sukhbir Singh Badal has resorted to partially quoting the contents of the communication sent by the Commission on 6<sup>th</sup> March 2018. In this letter it is interalia recorded as under:-*

*"...It is because of this judicial training that the Commission has restrained itself from confronting you and others with the evidence available with the Commission raising serious doubts about nature of investigation carried out in the cases of sacrilege or in regard to efforts to check these incidents..."*

*Earlier part of the sentence has been omitted to partially pick up the letter portion of the sentence by Sh.Sukhbir Singh Badal to give different colour. What he has quoted is as under:-*

*"... .the evidence available with' the Commission raising serious doubts about nature of investigation carried out in the cases of sacrilege or in regard to efforts to check these incidents...."*

*Picking up sentence in this manner, Sh. Sukhbir Singh Badal has tried to distort the contents of the letter.*

*\* Sh.Sukhbir Singh Badal has now responded through his letter dated 15<sup>th</sup> March 2018, without disclosing anything about the information sought by the Commission. The Commission had given option to Sh.Sukhbir Singh Badal and Sh.Vijay Kumar Sampla to either file affidavit, or to file response by appearing in person or through post. By sending response through post, Sh.Sukhbir Singh Badal has submitted himself to the jurisdiction of the Commission. It can therefore, be legitimately expected from Sh.Sukhbir Singh Badal to share this information with the Commission as a responsible citizen.*

*As per Section 5(2) of Commission of inquiry Act 1952, the Commission have powers to require any person subject to any privilege which he may claim under law, to furnish information on such points and matters as, in the opinion of the Commission, may be useful for or relevant to such matter of inquiry. Any such person so required shall be deemed to be legally bound to furnish such information within the meaning of Section 176 and Section 177 of the I PC.*

*Instead Sh.Sukhbir Singh Badal has again raised frivolous and motivated pleas without any basis. He is either having no information with him and has just made misleading and false statement in his memorandum before Hon'ble Governor Punjab or has attempted to withhold this information. He has thus exposed himself to the rigors of either sections 176 or Section 177 of I PC. If he*

*was having any such information, he is bound to disclose it either before the Commission now constituted or earlier constituted by the Govt, of which he was part. It would have been in his own interest to share this information with the Commission if he is having one with him. It needs reiteration that sufficient evidence is available on record about the inept investigation in these cases and the Commission has addressed various letters to OGP and the Govt, in this regard. Commission is of the view that either there is lack of responsibility on the part of Sh.Sukhbir Singh Badal to share this information on misconceived and misleading pleas or he has made a wrong averment in the memorandum submitted by him to the Hon'ble Governor Punjab."*

The latest revelation indicating involvement of Dera Priemis in committing the a#t of sacrilege would show that irresponsible averments had been made by Mr. Vijay Sampla and Mr. Sukhbir Singh Badal in the duly signed Memorandum submitted by them to the Governor of Punjab. Mr. Sukhbir Singh Badal has, thus, not only exposed himself to rigorous of various sections but has made himself liable for-penalty for his acts calculated to bring the Commission in disrepute under section 10 A of the Commission of Inquiries Act.

Later, one communication was sent to Sh. Parkash Singh Ji Badal to provide some relevant information/evidence to the Commission. He had also refused to share the information/evidence when Commission had to pass one order relevant part of it reads as under:-

*"Response filed by Sh. Parkash Singh ji Badal former CM Punjab to a notice dated 5.4.2018 issued to him by the Commission is taken on record.*

*As per Section 5(2) of the Commission of Inquiry Act 1952, the Commission has the power to require any person to furnish any information*



*on such points or matters, which in the opinion of the Commission may be useful or relevant to the subject matter of inquiry.*

*Communication was accordingly sent to former Chief Minister Punjab under Section 5(2) of the Commission of Inquiries Act 1952, as, he being CM, was in a position to furnish information to the Commission, which is relevant to the subject matter of inquiry being carried out by the Commission.*

*Former CM, however has declined to furnish the information sought from him by stating that his party has rejected the Commission. Question may arise, if the person required by the Commission to furnish information sought by the Commission, would have any power or authority to reject the Commission legally constituted by Govt, under the statutory provisions of Commission of Inquiry Act. If this discretion is left with any individual then the Commission of Inquiry Act would be rendered redundant. Bare perusal of Section 5(2) of the Act would show that any person so required by the Commission to furnish information shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 & 177 of I PC.*

*The course adopted by the former CM in refusing to furnish information is neither legal or valid in any manner.*

*The Commission is constituted to inquire into the number of incidents of sacrilege which took place in the State during the time Sh.Parkash Singh ji Badal was head of the Govt. During his tenure as CM, police took action against the protesting Sikhs who were peacefully agitating to protest against the incidents of sacrilege. Two persons lost their lives and score others received injuries in police firing. In this background referring to or relying on earlier happening in the State cannot be put forward as valid justification to decline to answer very pertinent and relevant posers by the Commission which are necessary to reach the truth. Everyone has to account for his wrong doings or illegal actions. This would apply to those who would be responsible for the incidents of sacrilege or police action at Kotkapura and*

*at Behbalkaln. This Commission is tasked not only to inquire into the cases of sacrilege but also is to inquire into police action at Kotkapura and Behbalkalan. All those who can provide relevant evidence or material are bound under law to provide such material and evidence before the Commission. They cannot decline to do so on any pretext whatsoever.*

*Evidence has appeared before the Commission that District Administration was in touch with the then Chief Minister and that the CM had statedly given some directions to handle the situation through DGP'Punjab. As per evidence then local MLA Mantar Singh Brar had spoken to the CM either directly or through his Secretary, Mr.Gaggandip Brar who exchanged as many as 21 SMS messages with DC Faridkot starting from 1.51 A.M. on the 14<sup>th</sup> Oct. 2015. Mr.Gaggandip Brar also spoke to DC, Faridkot thrice during this time. MLA Mantar Singh Brar and Gaggandip Brar spoke to each other four times between 2.28.55 A.M. and 15.11.41 on 14<sup>th</sup> Oct. 2015.*

*Accordingly, the evidence available on record with Commission was brought to the Notice of the former CM for him to respond, if he had issued any instruction to the District Administration,, DGP as it was relevant for the Commission to know this. The call details were referred to in the notice issued to the former CM.*

*Instead of providing the relevant information which the former CM is bound to furnish, he has gone on to narrate the happening during the turbulent period in the State. That will have no relevance to the Inquiry by the Commission inquiring into cases of sacrilege which are of very serious dimension. Every citizen of the State would be keen that real facts are unearthed and those responsible for incidents of sacrilege hurting the religious sentiments of Sikhs, Hindus and Muslims in the State are brought before law. Those who were responsible for holding inquiries in this regard for all this while have to come before public to disclose what they did to trace the persons responsible for committing sacrilege and to find the police*

*officials responsible for deaths at Behbaikalan. Mind you, there were more than 122 incidents of sacrilege in the State and these continued to take place unabated. The insinuatory reference to the Commission is apparently aimed at to avoid answering the serious-posers. This approach is not legally tenable and is illegal, misconceived and misplaced. Once the Commission has been given a task; it is duty bound to complete it with honesty, sincerity and truthfully. Running away from responsibility is a job of cowards.*

*The question before the Commission now is to see what further course it should adopt. One option is to invoke the provision of Sections 176 and 177*

*\**

*I PC. Other alternative is to draw necessary adverse inference from this refusal in terms of Section 114 of the Evidence Act. Commission has to keep itself aloof from any political debate or references. Judicially trained mind is well equipped to ignore all such diversionary methods. Commission will have no hesitation to reject the prayer made by former CM to withdraw the letter/notice issued to him. The Commission would reserve its right to draw any adverse inference from such refusal to provide information on relevant points or matters which would have been useful to the Commission."*

It is to be noticed with regret that a few political leaders like Shri Sukhbir Singh Badal have been using inappropriate language and spreading falsehood about the Commission without any basis. They have otherwise shied away from assisting the Commission. Part of media controlled by such politicians has been acting as mouth piece to spread fake and misleading information without any sense of responsibility. Media can be expected to act responsibly.

Remaining incidents, in the State as would be separately discussed, are not seen to have been committed in any organised manner as were these incidents and some other connected with these incidents discussed above. Majority of other incidents in the State were mostly isolated incidents some of which were committed due to personal grouse between Granthi or the management or between person committing the act with Granthi. Some of the incidents are such that these may not fall within the purview of Section 295-A IPC. Mention in brief is made in the Preface.

### **EARLIER STATE OF INVESTIGATION BEFORE BREAK THROUGH**

As already noticed, ADGP I.S. Sahota had constituted one SIT on 30.11.2015 headed by DIG R.S. Khatra primarily to investigate the incident of sacrilege in village Gursar and village Malice. The SiT headed by Shri R.S. Khatra DIG have worked on multi prong directions. Though constituted to investigate the incidents of sacrilege at Malke and Gursar, yet this SIT has made laborious efforts and taken pains to go into the entire background of incidents of sacrilege committed in district Faridkot and in the State. As has been noticed in the earlier part of this report, the police had got the sketches of suspects prepared, who as per the evidence, were seen entering the village Gurdwara of village Burj Jawahar Singh Wala. Number of police witnesses were questioned for not taking follow up action after getting sketches made to look for such persons. None had made any effort on the lines to look for the persons resembling with the sketches prepared. The SIT headed by Mr. R.S. Khatra, has done so. This SiT had called one Sukhpal Singh for the purpose of investigation. This man was found in touch with Nehru Kendra New Delhi and had reportedly gone with BJP for *Shilanayas* at Ayodhya. He has two sons. His one son is named as Gurmukh Singh. When the son had come with his father during investigation, his face was found resembling the sketch which was got prepared by the police. The .family belongs to village Bargari. Gurmukh Singh used to distribute newspapers in the villages. Brother-in-law of Gurmukh Singh named Pritam Singh was found resembling second sketch prepared by police. During investigation it was found that face of Gurmukh Singh son of Sukhpal Singh resident of Bargari was similar to the one of the two sketches issued after the incident of theft of *Sri Guru Granth Sahib Ji* from Gurdwara of village Burj Jawahar Siingh Wala. He was thoroughly interrogated. As per the police he did not disclose any vital fact regarding theft of 'SAROOP' of *Sri Guru Granth Sahib Ji*

or scattering of holy ANGGS. He was produced before the Court of SDJM, Bagna Purana by the police for making him to undergo NARCO analysis test. Police had moved this application in this regard before the Court on 3.5.2016. Gurmukh Singh made a statement declining to undergo the test and hence the application moved by the prosecution was declined.

The Commission had summoned Sukhpal Singh (CW-243) and had questioned him in detail. This man was working as Granthi at village Gurdwara of Rai Singh Wala. He had learnt reciting Path from Dera Nirmal Kant at Bargari. He had left village Bargari in the year of 1995. He conceded that he was called for investigation but stated that police did so as he and his sons had joined the protest when Sukhbir Singh Badal came to the house of Gurjit Singh deceased. As per this witness, his entire family was subjected to interrogation due to this. As per the police, his son had not agreed to undergo NARCO test but CW-243 has stated that his son was ready to undergo this test. CW-243 was summoned to undergo NARCO test on 20.12.2017 by the CBI and further investigation seems to be in progress in this regard by CBI. Otherwise, CW-243 has filed a detailed affidavit as to how he was arrested on 19.12.2015 and various other details. The SIT investigating the case had shown the photographs of these two persons to the Commission. Sketches of these persons were found resembling when compared with their photographs. They appeared quite similar. Further progress of investigation in this case was on till very recent past.

The SIT had also suspected Sh. Jaswinder Singh Sahuke and Sh. Chamkor Singh. The suspicion arose against these two persons as they were heard talking on a phone at 6.02 a.m. on 4.11.2015 about the ANGGS which were scattered when even the police did not know about it. They both were nominated on the basis of parallel listening dated immediately after Malke incident. They were summoned to CIA Staff, Fazilka for interrogation but they did not cooperate. Police had then approached the Court for taking them to NARCO Analysis Test to ascertain truth but the application was declined by the Court.

Mr. Jaswinder Singh Sahuke appeared before the Commission. As per the police, he is a man of Sant Daduwal. The police claims to have noticed their activities in the area from 12.10 a.m. to 4 a.m. The police had carried out thorough interrogation of Mr. Chamkor Singh. United Akaii Da! leader, however, got him released. Both Mr. Sahuke and Mr. Chamkor Singh have refused to undergo NARCO test. It has come in the evidence of CW-243 that Jaswinder Singh Sahuke has also been summoned by the CBI to undergo NARCO test on 20.12.2017.

As per the police, Gora Singh Granthi had agreed to undergo NARCO test but it could not be performed as he was an acute diabetic patient. The laboratory conducting the test declined to hold his test because of his medical condition. Gora Singh was given medicines to control his sugar level but police feels that this man did not take the medicines properly and so NARCO test upon him could not be performed even second time when he was taken for this purpose.

The Commission had examined Mr. Sahuke and Mr. Chamkor Singh in detail. Chamkor Singh had not made mention of his interrogation by the police in his affidavit before the Commission. He was asked to narrate the details in this regard for which he took time. Thereafter he had never appeared before the Commission. In fact while the Commission was carrying out spot inspection at village Gursar, Mr. Chamkor Singh happened to meet the Commission by chance during the course of inspection. He was asked as to why he had chosen not to appear before the Commission besides requiring him to come and to make further statement. Still he has chosen not to appear.

The Commission otherwise could not find any valid reason for Mr. Jaswinder Singh Sahuke or Mr. Chamkor Singh to commit this act of sacrilege. Mere phone talk at 6 a.m. cannot be any valid reason to suspect that they could be involved. In his statement before the Commission Harjinder Singh Brar (CW-224) has clearly mentioned that he heard the announcement at about 5/5.30 a.m. about the ANGS having been scattered. That being so, not much significance can be attached to conversation heard between Mr. Sahuke and Mr. Chamkor Singh at 6 a.m. Even Harinder Singh (CW-223) in his statement has clearly stated that his servant informed him on telephone at 6 a.m. on

the morning of 4.11.2015 about this incident. That being so, it is no incriminating circumstance that Jaswinder Singh Sahuke and Chamkor Singh were found talking at 6 a.m. on 4.11.2015.

All the police officials investigating the incidents of sacrilege before constitution of SIT, have been concentrating on various lines but a very pronounced circumstance indicating the involvement of Premis had not been pursued much. Posters using the abusive language were affixed on 24/25.09.2015. The demand in the posters was for release of film Messenger of God which had been released all over India on 18/19.09.2015 but was banned in Punjab. Jathedar Sri Akal Takht Sahib granted pardon to Head of Dera Sacha Sauda on 24.09.2015 and on the same day film was released in Punjab. The link between affixing of posters to pressurise the release of this movie can be easily made out. It is also a well known fact that grant of pardon to the Head of Dera Sacha Sauda by Jathedar Sri Akal Takht created a huge resentment amongst the Sikh Sangat. There were protests all over and call was given for holding Sarbat Khalsa. A meeting to organise and for preparation of Sarbat Khalsa was called on 12.10.2015 at Ludhiana. On this date, the ANGS of Sri Guru Granth Sahib Ji were scattered in village Bargari. Because of this, the meeting could not be held as most of the panthic leaders went to village Bargari. On 16.10.2015, Jathedar Sri Akal Takht Sahib withdrew the grant of pardon to the Head of Dera Sacha Sauda. Soon thereafter on 19/20.10.2015 incident of scattering of ANGS happened at village Gursar in close vicinity of village Bargari and Burj Jawahar Singh Wala. Pending Sarbat Khalsa another incident takes place on 4.11.2015 at village Malke. Once the Sarbat Khalsa is held on 10.11.2015 there is a lull thereafter and no serious incident had taken place in this area. Indication about involvement of followers of Dera Sacha Sauda was quite apparent but still was not pursued by the police.

Gurdev Singh Premi resident of Burj Jawahar Singh Wala statedly was called and inquiries were made from him. As already noticed his father was Granthi of village Gurdwara and Gurdev Singh earlier stayed in the Gurdwara as a child. CBI had also called him for investigation but what he has disclosed before CBI is not known. CBI had summoned him in the month of May and had thereafter required his presence at Delhi

sometime in June, 2016. Before that he was killed by hired assain Gopi and Ashok in June, 2016 itself. They both were arrested by the police and disclosed during their interrogation that he (Gurdev Singh) was killed on the asking of one Jaswant Kala. Later Jaswant Kala has also been arrested and he has disclosed that he got Gurdev Singh killed as he suspected him to be involved in the sacrilege of Sri Guru Granth Sahib Ji at Burj Jawarhar Singh Wala.

Some vital details have come out in regard to the background of grant of pardon to head of *Dera Sacha Sauda*. Suddenly Sh. Himmat Singh (CW-245) son of Sukha Singh brother of Gurmukh Singh erstwhile Jathedar Damdama Sahib Talwandi Sabo district Bathinda has appeared before the Commission on 12.12.2017. and has filed a written statement duly signed by him. CW-245 has annexed copy of letter written by Head of Dera Sacha Sauda on the basis of which Sri Akal Takht Sahib had granted him pardon on This witness has also annexed copies of the Gurmata dated 24.09.2015 and through which, Sri Akal Takht Sahib had granted pardon to the Head of *Dera Sacha Sauda* and through which the same was withdrawn respectively. He has also annexed one notice dated 29.09.2015 issued under the signatures of Jathedar Gurbachan Singh Jathedar of Sri Akal Takht Sahib. Copies of *Gurmata* dated 24.09.2015 and 16.10.2015 had earlier been, produced before the Commission by Shri Baitej Singh Pannu (CW--235) on 3.11.2017. Copies of these *Gurmata* now produced by CW-245 and the earlier produced by CW-235 are same/identical. CW-245 has recognised the signatures appearing on both the Gurmata as he claimed that these signatures were endorsed in his presence and further that he was acquainted with the signatures appearing on these *Gurmatas*. Thus, these documents have been legally proved. What will be of interest is the background which is given by CW-245 about the manner in which these *Gurmatas* were organised due to political purpose.

In his statement Himmat Singh (CW-245) has made a mention in detail to the background leading to the grant of pardon to the Head of Dera Sacha Sauda. CW-245 has stated the manner in which Chief Minister Parkash Singh Badal and his son Sukhbir



Singh Bada! had organised the grant of pardon to the Head of Dera Sacha Sauda which as per him had led to initiation of incident of sacrilege of the religious granths in the State. The witness has also blamed them for misusing of the religious position to perpetuate their role in the State. The witness claims to be eye witness to these happenings. In his written statement, CW-245 has mentioned that the pardon to the Head of *Dera Sacha Sauda*, who had the audacity to imitate 10<sup>th</sup> Shri Guru Gobind Singh Ji, was at the instance of Badals. Continuing with his narration, witness has mentioned that on 16.09.2015 all the *Jathedars* of *Takhts* located in the State of Punjab were called to the official residence of Chief Minister Parkash Singh Bada! and this process of summoning *Jathedars* of *Takhts* is still continuing. All the *Jathedars* assembled in the office of SGPC at 6 pm. and from there they proceeded to the official residence of Chief Minister in Innova vehicle PB-02-CB-9513 which is allotted to *Jathedar Akal Takht Sahib Giani Gurbachan Singh*. *Jathedar Mai Singh* of *Keshgarh Takht Sahib*, *Giani Gurmukh Singh Jathedar Takht Damdama Sahib* had gone with *Jathedar Akal Takht Sahib* and they reached the official residence of the Chief Minister in this manner. As per the witness (CW-245), the record about entry of this vehicle may have been made in the register kept at the gate of Chief Minister, This meeting continued till late night. Shri Daljit Singh Cheema, on the direction of Shri Parkash Singh Badai had read the letter written in Hindi wherein it was mentioned that Ram Rahim had sought pardon of the panth through his letter. The *Jathedars* were to grant pardon to the Head of *Dera Sacha Sauda* by withdrawing earlier *Hukamnama* requiring Sikh Sangat for his social boycott, in this meeting both Badals forced the *Jathedars* to proceed to *Aka! Takht Sahib* with directions for granting pardon to the Head of *Dera Sacha Sauda* by observing that it was being done after deep deliberations while so announcing. in this background emergency meeting of the *Jathedars* was held on 24<sup>th</sup> September, 2015. in the meeting a letter written in Punjabi was produced instead of the letter written in Hindi which was read and shown at the official residence of Chief Minister. Questioning the same the witness has stated as to how the letter written in Hindi turned into Punjabi can only be explained by the *Jathedar Akal Takht Sahib Giani Gurbachan Singh*. The witness has also questioned the signatures appearing on this letter written in Punjabi purported to have been signed by Head of *Dera Sacha Sauda*. As per the witness, signatures on this letter were fictitious signatures.: CW-245 has stated that *Giani Gurmukh Singh* had

opposed the grant of pardon to the Head of Dera Sacha Sauda. Giani Gurmukh Singh had allegedly stated that because of the action of the Head of Dera Sacha Sauda numerous persons had lost their lives and this pardon was being arranged to fulfil the dream of Sukhbir Singh Badal for ruling the State for 25 years. On the asking of Badals, Giani Gurbachan Singh *Jathedar Akal Takht Sahib*, Giani Iqbal Singh, *Jathedar Takht Sri Patna Sahib* pressurised to Giani Gurmukh Singh to agree to the proposal of granting pardon to the Head of *Dera Sacha Sauda*. Giani Gurmukh Singh is stated to have expressed his inability to agree to the proposal and went to his residence. Giani Gurbachan Singh and Giani Iqbal Singh followed Giani Gurmukh Singh to his residence and they kept on pestering him to agree with them for granting pardon to head Dera Sacha Sauda. As per CW-245, this had happened in his presence. They made the CW-245 to talk to Shri Sukhbir Singh Badal on number of occasions. As per the witness, he had received call on his mobile number 9814020313 from the phone number of Personal Secretary of Deputy Chief Minister Sukhbir Singh Badal for talking to Giani Gurmukh Singh as his number was coming switched off. Deputy Chief Minister Sukhbir Singh Badal had statedly, thus, exerted pressure on Giani Gurmukh Singh. As per this witness, phone record in this regard can also be checked.

The witness has also accused the then Government for not taking any action against the police officers who had opened fire at Behbal Kalan leading to two deaths and injuries to number of persons. This as per the witness, had encouraged the followers of *Dera Sacha Sauda* and they had committed the acts of sacrilege at various places in the State. The witness has further blamed Badials for bowing before the Head of *Dera Sacha Sauda* for the sake of votes which is the main cause behind the incidents of sacrilege. Instead of ensuring punishment to the perpetrators of such crime, the Government also did not take action against those police officers who had used force to disperse the persons sitting on peaceful dharnas. The witness has also stated that the post of *Jathedar Akal Takht* is not provided in the SGPC Act and have made a mention about the SGPC having spent Rs.93 lakhs on advertisement in support of grant of pardon to Ram Rahim. The witness has further alleged that *Jathedar Akal Takht Sahib* is having assets disproportionate to known sources of income besides making various other allegations.

The Commission has called the record of gate register maintained at the gate of

Chief Minister. Though entry of this vehicle number is not found reflected in the register but entry of vehicle of Mr. D.S.Cheema and that of Mr. Sucha Singh Langah are found recorded in the register. The witness being brother of the then Jathedar of Takht Sri Talwandi Sabo can be expected to be in the know of this fact. Even Jathedar Giani Gurmukh Singh has so spoken about this fact on social media. There may thus be truthful account of these events as these are stated by CW-245.

Along with the statement CW-245 has also annexed one press note purported to have been issued by Sri Akal Takht Sahib on 29.9.2015 which is signed by Gurbachan Singh *Jathedar Sri Akal Takht Sahib*. In this press note, *Jathedar Sri Akal Takht Sahib* has justified the action of granting pardon to the head of *Dera Sacha Sauda*. In the press note, *Jathedar Sri Akal Takht Sahib* has made reference to the fact that *Akal Takht* is the supreme organisation of the Sikhs and ever since its establishment it has dealt with issues of great importance deciding the same in a most appropriate manner after due consideration of the issues involved. . Reference is then made to controversy of *dera Sacha Sauda* which arose in the year 2007 which was considered by the heads of the five Takhts taking a decision after due consideration of the issues. It is noticed that one request was received from the head of *Dera Sacha Sauda* under his signatures wherein he had mentioned that what to talk of imitating Sri Guru Gobind Singh Ji Maharaj he could not even dream to do so. Quoting him, it is noted that he could not dare to imitate the Guru and no question in this regard arises at all and that he had never thought of imitating the great Guru.. It is noted by the Jathedar that he Dera head has stated that he had never imitated any great religious Gurus and he did not consider himself equivalent to any great Guru or 'PAGEMBER' thinking to imitate them.

Taking note of this letter, it is recorded that one CD was received wherein Dera head had repeated all the above noted wordings. It is further stated that *FIVE*

*SINGH SAHIBANS* have considered this issue in accordance with panthic traditions and after examining the same seriously and keeping the interest of panth, country and Punjab and further to maintain peace, brotherhood, the clarification issued by head of *Dera Sacha Sauda* was accepted. Jathedar *Sri Akal Takhi Sahib* had also expressed thanks to all those organisations which had supported the move of the Jathedars while taking notice of some other organisations which had expressed their resentment who had given their suggestions for improving functioning of various religious organisations. Appeal is then made to maintain unity while stating that *Sri Akal Takht Sahib* has always taken decisions keeping in view the religious feelings of the "QUAM" (Community). It is also mentioned that to maintain the dignity and authority of *Sri Akal Takht Sahib* the independent committee would be constituted to go into the suggestions with the appeal that various organisations in the country and outside and Sikh intellectuals could give their suggestions to the Committee going to be constituted in this regard.

The above appeal was issued on 29.9.2015. Everything changed when Jathedar of the various *Takhts* withdrew this grant of pardon on 16.10.2015. The justification which was offered on 29.9.2015 obviously thereafter remained no more valid, it is not clear as to whether any committee was constituted to go into this aspect or not. The change of stance was keeping in view the sentiments expressed by the *Sikh Sangat* as is noticed in *Gurmata* dated 16.10.2015.

The contents of the affidavit filed by this witness may sound very explosive but primarily are based on certain facts during which this witness may; not have been present to see these happenings. Documents annexed, however, cannot be disputed. Certain facts mentioned by this witness are also within the public domain. The fact that *Jathedar Akal Takht Sahib* and other *Jathedars* had granted pardon to the Head of *Dera Sacha Sauda* is not in dispute. Similarly fact that this pardon was withdrawn due to protests and agitation by panthic organisation is also known and is in public domain. Whether this grant of pardon was organised by Chief Minister and Deputy Chief Minister is a fact which is stated by the witness. He may have learnt certain facts from his brother Giani Gurmukh Singh who was signatory to the grant<sup>1</sup> of pardon and

withdrawal thereof. The witness has also produced both the documents along with his statement and has proved these by identifying the signatures of Jathedars appearing on these documents with which this witness is acquainted. The press note justifying the action is also available. The fact that SGPC had issued an advertisement in support of the grant of pardon by Jathedars to the Head of *Dera Sacha Sauda* is also available on record as one such advertisement published in Ajit newspaper is available with the Commission. How much amount was spent on this advertisement or various other advertisements which may have been issued is not available before the Commission except in the form of statement made, by CW-245. This could have been clarified by SGPC.

The action on the part of respected Jathedars of the five revered Takhts in blowing hot and cold must have left confusion in the minds of Sikh Sangat. The action to withdraw the earlier 'Gurmata' issued by the Jathedars on 16.10.2015 would clearly show that this action was not approved by Sikh Sangat and Jathedars so acted to respect such sentiments. If there had been political pressure behind this move then it must reflect badly against those who had allegedly exerted such pressure to influence this decision. This decision seems to have had devastating effect and may have become of a cartelist behind serious incidents of sacrilege. The latest development showing

involvement of Dera Premis in these incidents of sacrilege should give a cause for all those | responsible for getting religious Gurmata for political gains to ponder over their acts. \

Yet another fact had surfaced when Commission received one letter on 9.10.2017 from one Mr. Harbans Singh J a l a l son of Shri Mehar .Singh revealing certain facts in connection with grant of pardon to the head of *Dera Sacha Sauda*. The Commission then summoned him and examined him on oath when he confirmed that he had written this letter which was marked Annexure HU. Referring to one disclosure made by Mr. Rajdev Singh, Ex-MP, Mr. Jalai has mentioned in Annexure 'HU' that before grant of pardon to Dera head, a meeting was held between Mr. Sukhbir Singh Badal and Ram Rahim at the residence of Actor Mr, Akshay Kumar at Bombay. In this background Sukhbir Singh Badal sent Gurmukh Singh, *Jathedar Takht Sri Damdama Sahib to Jathedar Akal Takht Sahib* for withdrawing the previous *Hukamnama* excommunicating dera head. This meeting

was with an aim to arrange release of MSG film in Punjab. Expectations-were that the film will earn Rs.three laundered crores if released in Punjab. It is stated that dera h#ad had agreed to pay Rs.one hundred crores to Shri Sukhffir Sijjjigh 'Radaf as party fund After withdrawing *Hukamnamo*, the film was released but promised amount was not paid. Mr. Jalal would allege that subsequent events which led to withdrawal of order of withdrawing Hukamnama was due to not fulfilling the promise of payment. Mr Jalal has also mentioned that someone had devised this heinous scheme to divert the attention of the people of Punjab. He has also gone on to name various other persons namely Sikandar Singh Maluka and Parampal Kaur blaming them for various acts of commission and omission. Mr. Jalal has also stated in his letter that the incident of sacrilege of holy Granth Sahib was an organised conspiracy and named Sikandar Singh Maluka and Sukhbir Singh Badal in this regard. When Mr. Jalal appeared before the Commission, he had narrated various other details for which he was- asked to submit his affidavit. Thereafter he did not return up. Whatsoever has been stated in hisletter has remained in the region of'hear-say. No cognizance of the |amje can be takjen. T\$is may have to be now seen in the light of latest revelations about the involvement of Dera Premis for committing these incidents of sacrilege.

During the course of inquiry one view which had clearly emerged from the evidence was that followers of Dera Sacha Sauda may be responsible for the-acts of sacrilege in districts Faridkot, Bathinda and Moga. The-co-incidental co-relation between the acts of sacrilege and the action of affixing of posters, spreading of *ANGS* with the grievance relating to non release of movie MSG is too apparent. As already noticed, movie MSG was released all over India on 16<sup>th</sup> September, 2015. Around this time only move was initiated to organise pardon to the Head of Dera Sacha Sauda. This could not have been take up suddenly by Jathedars of the Takhts on their own. It was on 24<sup>th</sup> September, 2015 that the posters were affixed when the issue of pardon was pending consideration. Pardon was granted on 24<sup>th</sup> September, 2015 and movie statedly was released in the State. There is too much of link between the incidents and the action of pardon and release of film. All this could not be ignored easily. It is a : well known fact that the grant of pardon was very vehemently opposed by *Sikh Sangat* arid there was a

wave of resentment against the same. This fact is even recognised by the Heads of various *Takhts* while withdrawing the grant of pardon on 16.10.2015. It is clearly written in this *Gurmata* dated 16.10.2015 that keeping in view the sentiments of entire *Khalsa Panth*, the five Heads of various *Takhts* have held an emergent meeting and by taking concurrence of *Takht Hazur Sahib* on telephone, took a decision to cancel the *Gurmata* dated 24.09.2015. This background in itself is a true reflection the reasons for which the pardon to the Head of *Dera Sacha Sauda* was cancelled and withdrawn.

The procedure of grant of pardon has come on record through the evidence of Sant Baljit Singh Daduwa! (CW-94). Mention to this fact had already been made in earlier part of this report. CW-94 has stated that as per old *Maryada* (Tradition) a person has to apply admitting his mis-conduct and then he summoned before five Jathedars of five *Takhts* and after due consideration of his offence/mis-conduct a decision is taken to grant him pardon or not. If pardon is granted then guilty is awarded a religious punishment known as *Thankha*. As per CW-94, the manner in which Jathedar Akal *Takht Sahib* has granted pardon to the Head of *Dera Sacha Sauda* was unprecedented. If this is the *Maryada* then certainly, the manner in which pardon was granted to the Head of *Dera Sacha Sauda* was neither proper nor as per the *Mdryada*. The hurry with which *Jathedars of Takhts* had acted in this case is clearly noticeable. Was it primarily related to release of movie MSG? The elections were in the offing. If the Jathedars were acting on their own then obviously the Head of *Dera Sacha Sauda* was bound to approach the *Takht Jathedar Sahib* or ought to have appeared before the Jathedars of *Takhts*. This had not happened. If the manner as narrated by CW-245 was followed in granting pardon, Commission would not consider it appropriate to say anything further.

If the statement of CW-94 is examined then he has raised a grievance that the police did not carry investigation to find out the persons responsible for this sacrilege. He has accused the police of soft padding the investigation against Gurdev Singh follower of *Dera Sacha Sauda* at the instance of the Government of the day. As per this witness, there is an old conflict between the Sikhs and the followers of *Dera Sacha Sauda*. The witness has made a grievance that many cases were immediately registered

against Sikhs for placing a photograph of *Dera Sacha Sauda* on whatsapp. According to CW-94, 200 cases had been registered against the Sikhs but the case registered against the Head of *Dera Sacha Sauda* for imitating Shri Guru Gobind Singh Ji, was withdrawn and the complainant was not allowed to pursue his remedy. It has come to the notice of Commission that police at Malerkotia has registered' FIR under Section 295-A IPG merely on someone tearing poster fixed on pole of movie MSG which was then running in the town. Once a person expose himself to act in a movie then he cannot claim any other image then just a movie star. How and why the police would register FIR under Section 295-A of IPC for such an act is mind boggling. Was the then Government giving a blind eye to such actions? CW-94 has further made a grievance that whenever any allegation surfaced against follower of *Dera Sacha Sauda*, the BJP Government at the Centre and BJP-Akali Government in the State was in the habit of remaining silent for their political gains. Grievance also is that one slightest-pretext cases were registered against such like tampering poster, but the Government always soft paddled the serious cases against Premis. As per CW-94, the case against the Head of *Dera Sacha Sauda* was withdrawn on the promise of getting political support from him and so was the act of arranging of pardon for him on 24<sup>th</sup> September, 2015. It is because of huge resentment that the order dated 16.10.2015 came and this was done in unprecedented manner. The task before the Commission to hold inquiry as per the terms of reference and it would not offer any comment on political issue raised before it.

The aspect which is required to be seen is whether there was indication of any involvement of follower of *Dera Sacha Sauda* in the incidents of sacrilege. There is clear indication available in this regard which has already been noticed had not been pursued by the police with any enthusiasm. May be that affixing of posters, spreading of ANGS could be to mislead the course of investigation but the police could have ruled out the possibility of involvement of Premis only after properly pursuing the investigation in that direction. That seems to be missing on the part of the police. Was it because of a clout that Head of *Dera Sacha Sauda* carried at that time? Was it due to a fear of retaliation by the followers of the dera that stood against the police to pursue the line of investigation? Was the then Government soft on Premis? These questions do arise



and beg an answer. These incidents cannot be easily brushed aside. If it is believed that the pardon for Head of *Dera Sacha Sauda* was organised' or arranged in the manner as stated by CW-245, then inaction, if any, on the part of the police to pursue the line of investigation regarding the involvement of Dera Sacha Sauda may have been due to some Government pressure. It is only when Head of *Dera Sacha Sauda* is in a dock due to his conviction for an offence of rape that some action on the part of the police is noticed. There is not much justification on the part of police not to thoroughly investigate Gurdev Singh Premi of Burj Jawahar Singh Wala when the theft of *Sri Guru Granth Sahib Ji* took place on 1st June, 2015. He was found to have made very undesirable comments referring to the Holy *Sri Guru Granth Sahib Ji* as book which could be bought for Rs.400/-. He was the one who was never seen paying reverence to Holy *Sri Guru Granth Sahib Ji* or in Gurdwara. He statedly came to the *Gurdwara* without covering his head. Despite this, the police did not pursue any meaningful investigation as regard his role. He was present at his shop just in front of Gurdwara at the time when the theft of *Sri Guru Granth Sahib Ji* took place on 1st June, 2015. He was being questioned by the CBI which is now investigating this case. He was summoned to Delhi on sometime in June, 2016 for further investigation but before that date he was murdered. Apparently the incident of sacrilege has not been investigated in a proper manner by the police. As already noticed, from the wordings of the poster there was a clear indication of 'SAROOP' being present in the village Bargari but still no search in the village was carried out. After a fortnight ANGS of *Sri Guru Granth Sahib Ji* were scattered in village. These ANGS have been found to be of the same 'SAROOP' which was stolen from village Gurdwara of Burj Jawahar Singh Wala.

Looking into the background it can be noticed that prior to the incidents of sacrilege there was a agitation by the Kishan Union and they had sat on dharna on number of days which had even affected the rail traffic. Soon thereafter, the followers of *dera Sacha Sauda* sat on dharna for release of the film: MSG and also-for taking action against one actor who had imitated of head of: *Dera Sacha Sauda*. During all these agitations not only road but rail traffic was also affected. All these activities were in an area and around where ultimately these incidents of sacrilege had taken place. The law

and order situation was not very conducive due to these agitations when suddenly in this area the incident of theft of *Sri Guru Granth Sahib Ji* took place in June, 2015. It may be of significance to note that the agitations by the farmers were also in the area of Moga and adjoining districts and so was the area of agitation when the protest against the release of film MSG was held by followers of *dera Sacha Sauda*. When there was some semblance of control over these agitations, the incident of sacrilege one after the other had taken place in very close vicinity of each other. All this may need to be examined in depth who could benefit from all this. Was this done to divert attention may also be a thought for consideration?

The incident of an act of stealing of *SARUP of Sri Guru Granth Sahib Ji* was an unprecedented. During inquiry by the Commission, it has surfaced that this may not be the first act of this nature. It was revealed before the Commission that first act of sacrilege of *Sri Guru Granth Sahib Ji* took place in the year 2012 in Bombay (Maharashtra). On coming to know about the same, Commission had obtained the details from Bombay through the SIT headed by Shri R.S. Khatra. However, it came out that this was an incident primarily where private individual had kept *SARUP of Sri Guru Granth Sahib Ji* in the house which was on rent. To execute the order directed vacation of tenant, the place where '*SARUP*' of *Sri Guru Granth Sahib Ji* was kept, was also got disturbed. This led to allegation of sacrilege. Prior to this date, sometime in 2008, there was an incident of murder committed by gunman of head of *Dera Sacha Sauda* in one of the Malls in Bombay. This led to registration of FIR against gunman and few others but they have since been acquitted. Against this order, the State has filed an appeal which is still pending.

Nearer Home State, one incident of theft of *Sri Guru Granth Sahib Ji* has taken place in Ambala city on 18.5.2014. This incident had happened in *Gurdwara* Shalimar colony, Ambala city. When the *Granthi of Gurdwara* went to do Path at 5 a.m. in the morning and opened the lock of the main door, he found lock of the inner door broken. When he went near the place where *Sri Guru Granth Sahib Ji* was kept he found that both *SARUPS of Sri Guru Granth Sahib Ji* and one 'Choar sahib' was missing. He also found the almirah lying open. Two days before this day, the lock of the Golak (donation box) was found broken about which report had been lodged.

On the day of this incident, Sangat also started reaching Gurdwara when the *Granthi* disclosed the incident of sacrilege. The persons accused of this offence had entered the Gurdwara by breaking open the side wall and had committed this incident of sacrilege. Sangat then found 'Choar sahib' lying in an adjacent plot and on further search around, both the *SARUPS of Sri Guru Granth Sahib Ji* were found lying having been thrown there. Both the *SARUPS* were brought back with reverence and the report was lodged with the police. This case is still pending trial before the Chief Judicial Magistrate, Ambala. In all 15 witnesses are cited in, this case and examination of witnesses is in progress. The police had arrested some persons in this case on the basis of suspicion only and against them the case is in progress. Apparently, the police has not carried out thorough and proper investigation in this case and have arrested few persons (*Bhorias*) only on the basis of suspicion primarily taking this case is to be a theft case. It is for the Government to consider if it would like to liaison with the neighbouring States to seek if\*any angle of hurting the religious feeling was also involved though the persons arrested are being prosecuted for offence under Section 295-A iPC along with Sections 457 and 380 IPC also.

Little further from the State there is another incident of sacrilege which has taken place at Hanumangarh district in Rajasthan. FIR No.95/2015 was recorded on 23.4.2015 in district Hanumangarh (Rajasthan). A *SARUP* of *Sri Guru Granth Sahib* was allegedly taken and put in a bag and buried in a place nearby the Gurdwara. Accused named Shanker was identified on the basis of dcTV footage. He is stated to be a follower of *Dera Sacha Sauda*. His person statedly did not even seek bail for a considerable long period fearing retaliation. Case against him is in progress before Chief Judicial Magistrate, Hanuman Garh. Prosecution evidence is over. Is this an indication that *Premis* were testing water first in adjoining State ultimately reaching Punjab.

Whether these cases of sacrilege would have any connection with those committed in the State may also need some examination.

Now what is the course open. The investigation of some case of sacrilege is being done by CBI which has refused to share the details with the Commission. The line pursued by the CBI, thus, is not available with the Commission to make any comment. The Commission did not insist with the CBI to disclose the details in order to avoid any blame

for interfering with the course of investigation. In fact CBI has done nothing to further the investigation and has been following the Punjab police in this regard. As is noticed above, the SIT constituted by State which is headed by DIG R.S.Khatra is also continuing with the investigation of the incidents of sacrilege which took place in village Malke in District Moga and village Gursar in district Bathinda. Since the incidents at village Burj Jawahar Singh Wala and Bargari are found to be co-related and part of the same chain, this SIT has been also looking into the cases of sacrilege in District Faridkot as well.

The SIT headed by DIG R.S.Khatra have been sharing with the Commission the progress of investigations to trace the incident of sacrilege in the State. Parts of the efforts made by the SIT have already been noticed by the Commission wherein SIT had carried out investigation from some persons whose faces were found resembling with the sketches got prepared by the police. The SIT has also investigating the persons whose names came in the region of suspicion like (Phamkor Sirjgh and Jaswinder Singh Sidhki. It had also investigated one person named Karamjit Singh son of Manjit Singh resident of Bargari and had made efforts for his NARCO test analysis. He was, however, medically declared unfit to undergo NARCO test due to his liver infection.

It is to be noticed with satisfaction that this SIT headed by DIG R.S. Khatra has looked into the incidents of sacrilege from all possible angles. It has not ruled out the possibility of involvement of some religious organisation of Sikhs and has not hesitated to investigate those persons who came in the area of suspicion. It has also pursued the angle regarding involvement of *Dera Premis* and is probing the incident of sacrilege from this angle as well.

Major breakthrough was made by the SIT when it was able to identify a person from whom the paper and pen was purchased which were apparently used for writing

the posters which were affixed at B Irgari and Burj Jawahar Singh Wala. The person named Gopal who is running a shop at Bargarijis CDera pr'gmi ajnd a prominent-number of 25 member core Dera. SIT had then made effort to trace the person who had purchased this paper and black marker pen. Gopal was named by the committee of Panthic Jathebandis as suspect. Further investigation to trace the persons who had bought these papers and marker pen were in progress.

The Commission is yet to inquire into the cause of sacrilege holy Quran Sharif in Malerkotla where one person named Vijay Kumar along with others is the accused of this incident. This Vijay Kumar is found to be an old associate of RSS had even remained as RSS Pracharak at New Delhi from the years 1999 to 2001. Two associates of Vijay Kumar who are his co-accused are from Gurdaspur with whom Vijay Kumar was having old business dealings as well. They all were prosecuted and convicted for some offences relating to their common business also but succeeded in appeal. By chance, the Commission came to learn about unaccounted money coming to bank account of Vijay Kumar in lakhs from unknown sources. Income tax returns by him were for hardly any substantial amounts as compared the transaction noticed in his bank accounts. Mention in detail would be made in the report of the Commission relating to the incident at Malerkotla. Since the Commission has no' source to inquire into such financial transactions, the matter was brought to the notice of the Government for inquiring into the source of this huge amounts received by this person from unknown sources and also to investigate where this money was spent by him. May be that this money is found used to get some incident of sacrilege done through some person by luring them with money.

These are the details which were available earlier. Primarily the finger of suspicion was pointing towards followers of *Dera Premis* for their involvement in these incidents' of sacrilege. This has been quite apparent. When the investigation has proceeded towards this line, the involvement of Premis has surfaced. Investigation must ascertain also the level at which this involvement was there. Prima facie the leads are apparently reaching at very high level. The SD of IDera Sifjsa. The SIT headed by Shri R.S. Khatra has followed the right path and has made their endeavour. Now

investigation into other cases of sacrilege must be followed with vigour. Some of these may also reach the gates of Dera.

The police otherwise has been totally inept in carrying out investigation of case of police firing at Kot Kapura and at Behbal Kalan. Hardly any progress is noticed in solving these cases to trace the police officers/officials responsible for the injuries and deaths at these places. Police has soft paddled these investigations and the then Government did not do anything in this regard. All those who have been responsible for investigation of these serious cases must be made to account for respective lapses on their parts. All these officers/officials have been identified and are named in earlier part of this report. \*

### LATEST STATUS OF INVESTIGATION

As already noticed above, SIT headed by Shri R.S. Khatra has been able to trace the case of theft of *Sri Guru Granth Sahib Ji* at village Burj Jawahar Singh Wala and subsequent incidents of sacrilege at village Bargari and Burj Jawahar Singh Wala. When the Commission learnt about this case having been cracked through the newspaper reports, a communication was addressed to DIG R.S. Khatra, Chairman of the SIT to share the latest details with the Commission. DIG R.S. Khatra has sent a written report revealing the latest position in these cases. The Commission has then summoned representative of the SIT when further details surfaced. A perusal of these reports would show that Dera Sacha Sauda is nothing but a den of criminal activities. The criminal activities being carried out at the Dera had earlier come out in open when head of Dera Sacha Sauda was convicted for an offence of rape leading to search of the dera at Sirsa and various other deras. Premis resorted to unprecedented organised violence indicating involvement of Dera head also. Prominent dera followers are noticed planning murder and organising violence easily.

The report regarding incident of sacrilege would show that the main person behind the conspiracy for this incident of sacrilege was one Mohinder Pal @ Bittu son of Ram Lai resident of Kotkapura. He is the member of 45 members committee of Dera Sacha Sauda. He had initially planned to kill Sant Baljit Singh Daduwalla a Sikh hardliner and a preacher as he used to speak against Dera Sacha Sauda and had been opposing their congregations. Discussion in this regard took place between Mohinder Pal @ Bittu and other prominent members of Dera Sacha Sauda namely Harsh Dhuri, Pardeep Kalair and Sandeep Bareta to neutralise Sant Daduwal. These three members of Dera worked under the direct directions of Rakesh Dirba who is a personal assistant of Chief Dera Sacha Sauda and virtually number two in Dera. Two followers namely Sukhjinder Singh @ Sunny son of Harjit Singh resident of Kotkapura and Randeep Singh @ Neela son of Parkash resident of Faridkot were selected to execute this task to kill Sant Daduwal. Plan was to send followers of Dera Sacha Sauda in disguise during one of the congregations of Sant Daduwal so as to create commotion when these two selected assailants attacked Sant Daduwal in order to help the attackers to

escape. Later on this plan was called off as district committee members expressed reservation about this plan. Mohinder Pal @ Bittu had conveyed this information to Harsh Dhuri and others at Dera headquarter.

During March, 2015, one Sikh preacher Harjinder Singh Manjhi had planned to hold a religious discourse in village Burj Jawahar Singh Wala. Dera Premis had opposed this move and the matter had reached the police as well. The issue was resolved with understanding that preacher Manjhi would not speak against Dera. On the third day of this discourse, which was also the last day, Mr. Manjhi allegedly spoke urging the gathering to follow Sri Guru Granth Sahib Ji and discard following Dera Sirsa. It is said that some Premis present in the gathering removed their lockets containing photographs of Dera head leaving these on ground. Feeling concerned by this incident, Mohinder Pal discussed the issue with Harsh Dhuri and Pardeep Kalair and they told Bittu to do something in retaliation. It is then that Mohinder Pal @ Bittu made a plan to steal 'SAROOP' of *Sri Guru Granth Sahib Ji*. Perhaps they choose village Burj Jawahar Singh Wala because of the incident of discarding lockets had happened in this village.

The investigation has revealed that plan to steal 'SAROOP'<sup>7</sup> *Sri Guru Granth Sahib Ji* was then made to disturb and spite the Sikhs. Same two persons namely Sukhjinder Singh and Randeep were chosen for this task after due discussion with Harsh Dhuri and Pardeep Kalair who also gave go ahead. They all gathered at 'namcharcha ghar at Kot Kapura. During third week of May, 2015 Sukhjinder Singh went on Platina motor-cycle to do recce of of Gurdwara village Sahuke and village Burj Jawahar Singh Wala on direction of Mohinder Pal. On the day of occurrence i.e. 1.6.2015 Randeep @ Neela asked Narinder Sharma to take him to Kotkapura on his Eterno scooter. They were joined by Sukhjinder @ Sunny at 'namcharcha ghar'. Sukhjinder and Randeep rode Platina motor-cycle driven by Sukhjinder. Narinder was asked to follow them on a scooter. On the move, Narinder was told to wait at bus stand at village Bargari. Sukhjinder and Randeep went to village Burj Jawahar Singh Wala on the motor-cycle. They first went to the shop of Gurdev Singh (Premi). After offering cold drink, Gurdev Singh showed them the front gate of Gurdwara besides giving signal of all clear. Randeep went inside the Gurdwara and picked up 'SAROOP' of *Sri Guru Granth Sahib Ji* from the 'Palki'. Sukhjinder came out to start the motor-cycle and Randeep sat on the



pillion while keeping the 'SAROOP' In between them which was wrapped in beige/cream colour cloth. After reaching the main road both asked Narinder to follow them. While enroute to Kotkapura they met Nishan Singh, Baljit Singh, Shakti and Ranjit Singh @ Bholla who were waiting in Alto car number PB-30R-6480 owned by brother of Shakti. Sukhjinder and Randeep handed over the 'SAROOP' to Shakti and Baljit Singh who then drove towards Kotkapura. Sukhjinder and Randeep with Narinder Sharma went to 'namcharcha ghar' at Kotkapura. Alto car was kept parked in 'namcharcha ghar' at Kot Kapura. Sukhjinder and Shakti took the 'SAROOP' in the same car to Devi Wala Road and handed it over to Baljit Singh and Nishan Singh Who took the 'SAROOP' to village Sikhanwala and concealed it in a *Petti (an iron trunk)* in the second house of Baljit Singh in the village which he used for storage of extra items.

Not content with this, after about three months, they had planned to paste posters in order to throw challenge to Sikh community. Simultaneously they were also upset with the Government for not release of movie MSG-2 in Punjab. To execute this plan they procured ten A-4 papers along with Reynold black marker pen from the shop of Gopal son of Krishan Kumar at Bargari. Gopal is a member of 25 members committee of Dera Sacha Sauda. Shakti son of Jaswant Singh resident of village Daggo Ramana had bought these papers and marker for Rs.30/-. Mohinder Pal decided the wordings to be used on the posters and had prepared a rough draft. Sukhjinder @ Sunny wrote the posters in 'namcharcha ghar' at Kotkapura. Posters mark 1 and 2 were to be affixed at Gurdwara in village Burj Jawahar Singh Wala whereas one poster mark B was to be pasted at village Bargari, On 24.09.2015 Sandeep @ Bittu handed over these posters to Baljit Singh, who along with Shakti Singh went on Hero Honda motor-cycle owned by Baljit Singh and pasted one poster at village Bargari. On the same night Sukhjinder @ Sunny and Ranjit @ Bhola went on Platina motor-cycle owned by Sukhjinder @ Sunny and pasted two posters on the boundary wall of Gurdwara at Burj Jawahar Singh Wala.

As already noticed in foregoing part of this report, the threat in the posters was for scattering the pages of Sri Guru Granth Sahib Ji in village Bargari. To accomplish this task Sukhjinder Singh @ Sunny, Nishan Singh, Baljit Singh, Ranjit Singh @ Bhola and

Shakti had gathered at Kotkapura early in the morning of 12.10.2015. Baljit Singh brought the 'SAROOP' from his house. Sukhjinder @ Sunny, Ranjit @ Bhola and Nishan Singh sat in A-STAR car owned by Nishan Singh. Ranjit @ Bhola drove this car. Nishan Singh sat on the front seat while Sukhjinder @ Sunny sat on the rear seat of the car. Baljit Singh and Shakti Singh occupied a silver colour Alto car owned by brother of Shakti Singh. When they reached near village Dhilwan they parked their respective cars on the road side. Here they tore out pages from 'SAROOP' of Sri Guru Granth Sahib Ji using paper cutter. Sukhjinder @ Sunny took about 100 to 125 pages with him and sat in A- STAR car referred to above. Some torn pages were also kept in a plastic bag and the remaining part of the 'SAROOP' was kept in Alto car. The occupant of A-STAR car reached village Bargari and Sukhjinder scattered the holy ANGGS of Sri Guru Granth Sahib Ji starting from in front of the Gurdwara and along the Phirni road of the.village-going up to the main road. The occupants of the Alto car reached back to Kotkapura. The remaining part of the 'SAROOP' was handed over to Shakti Singh who took it to his village Daggio Ramana and kept in the shelf in his house. Some torn pages kept in plastic bag were handed over by Baljit Singh and Ranjit Singh to Pardeep @ Raju on the next day at 11 a.m. Said Raju had already been instructed by Mohinder Pal to scatter these ANGGS on Harinau road Kotkapura. Pardeep @ Raju got scared and did not perform the assigned task because of the huge protest but instead threw the ANGGS in water channel at Harinau., Mohinder Pal @ Bittu discussed the situation with Harsh Dhuri who asked him to remain quiet. After few days when dharna ended, Sukhjinder @ Sunny and Shakti Singh took the torn 'SAROOP' from the house of Shakti Singh and handed over the same to Mohinder Pal Bittu near village Sandhwa at Kotkapura-Faridkot road where Mohinder Pal was already waiting for them as per plans.

During his interrogation of Mohinder Pal @ Bittu has given three different alibis regarding the disposal of 'SAROOP' of Sri Guru Granth Sahib Ji. Initially he stated that he had thrown the 'SAROOP' in canal at Faridkot but later he resiled from the same when the police was taking him to canal for recovery. Thereafter he had given a second version that he had burnt the 'SAROOP' at 'namcharcha ghar" Kotkapura and had immersed the ashes in local canal. He had given the names of two persons who were

present on this date on guard duty at 'namcharcha ghar'. When the police confronted him (Mohinder Pal) with the facts that he had never gone to 'namcharcha ghar' on the day as claimed by him (Mohinder Pal @ Bittu) he resiled from this version as well. Finally he has stated that he had thrown the 'SAROOP' in a drain on Devi Wala road Kotkapura and burnt the cover of the 'SAROOP' separately in his bakery. It is learnt that the police has carried out search in this dirty water drain but could not trace anything as it is possible that nothing would have remained after lapse of years.

While appearing before the Commission one representative of the SIT, Inspector Dalbir Singh (CW-70) has disclosed that Mr. Gopal, from whom the papers and marker pen were purchased has recorded a statement under Section 164 Cr.P.C. disclosing that the papers and the marker were purchased from his shop and that he (Gopal) had recognised this person when he saw him in 'namcharcha ghar' Faridkot while he was talking to Mohinder Pal @ Bittu. Even Mohinder Pal @ Bittu had made judicial confession before JMJC, Moga after voluntarily writing a letter to Superintendent Jail, Faridkot expressing his desire to make a clean breast. He was produced on a production warrant before JMJC, Moga and has confessed his guilt for all the offences -alleged against him.

This Commission while recording the statements of various witnesses had a strong suspicion about the involvement of Premis in these incidents of sacrilege. All the senior officers and others investigating the cases of sacrilege were thoroughly questioned and were specifically asked if any investigations were conducted on the lines suspecting involvement of Dera Premis. None of the officers categorically stated before the Commission\* that any worthwhile investigation on these lines was conducted by them. The reasons are not far too many to seek. This is because of the clout which head of Dera Sacha Sauda carried with the Government. He had spread such scare around that even the administration of both the States had no will to act against him. None of the police officer dared to go for investigation on these lines. Half hearted reply given by some of the witnesses when questioned in this regard would tell the story. None of the investigating officer from 1.6.2015 onwards did any worthwhile investigation to see if followers of Dera Sacha Sauda were behind these incidents. In fact during some

unguarded moments some of the officers shared with the Commission that when anyone made an attempt to summon any Premi like Gurdev Singh of village Burj Jawahar Singh Wala, they (the premises) got together and resorted to agitation and, thus, did not permit the police to carry out investigations of Dera followers. This situation though has eased out considerably after conviction of head of Dera Sacha Sauda but such a state of affairs is too dangerous to imagine in the Society governed by rule of law. Can one person hold the administration of two States to ransom in this manner and not allow the law to take its own course? It is too scary: and indicates weakness of the State. The police which is ruthless to violate the rights of the ordinary citizens is seen so weak. Something needs to be done so that such a situation is not seen in future. Whereas the police and the administration was unable to act against Dera Premises they were found trigger happy against the protesters who had a justified cause to show their resentment against these highly sensitive incidents of sacrilege as per their democratic rights. Irony is that all those police officers who acted in; this blatant violation of law are yet to be brought before the law for their acts of omissions and commissions revealing serious criminal offences against them. It is high time that Government take action against all those police officers who have been identified in this report and make them answerable for respective part played by them in killing two persons and causing injuries to some others at Behbal Kalan and Kotkapura.

>            i t # ? t o i t i m i s s i o n i s o f t h e v i e w t h a t e l c e | ) t t o . f o U o w H t h e P u n j a b ; P o l i c e ' i n t h e c o u r s e o f i n v e s t i g a t i o n , t h e C B t ' h a s v i r t u a l l y I d o H e . n o t h i n g ! C B I h a s d e c l i n e d t o s h a r e t h e c o u r s e o f i n v e s t i g a t i o n a s t h e y h a d n o t h i n g c o n c r e t e w i t h t h e m t o s h o w . C o m m i s s i o n h a s t a k e n n o t e o f t h e s t a t e o f i n v e s t i g a t i o n b y S I T h e a d e d b y D I G R . S . K h a t r a i n t h i s r e p o r t . W h e n t h e s e o f f i c e r s h a d a p p e a r e d b e f o r e C o m m i s s i o n , t h e y w e r e s e e n g o i n g o n r i g h t t r a c k a n d i t i s n o w r e v e a l e d t h a t t h i s S I T h a s c o m e t o f i n d t h a t t h e i n c i d e n t s i n d i s t r i c t F a r i d k o t w e r e C o m m i t t e d b y f o l l o w e r s o f D e r a S a c h a S a u d a .

## RECOMMENDATIONS BY THE COMMISSQN

In its report the Commission has inquired into the role of police at Kotkapura and Behbal Kalan and has held the police responsible for using the force at these places which was unprovoked, unwarranted, uncalled for and not needed at all! At Behbal Kalan, the police had opened fire without any warning and without taking permission from civil authorities to open fire. The Commission has named the police officials who were responsible for use of this force by police at Kotkapura and Behbal Kalan. Since two persons died at Behbal Kalan and some other persons received bullet injuries, the Commission has recommended registration of criminal cases against the police officers who have been named by the victim and are accused of firing or are accused of directing others to open fire. IdM kotkap'ur^(CW-12) has not come out with complete truth. The Commission would recommjend appropriate action against CW-12 and those police officials who are not coming in the scope of any criminal act but nevertheless are seen to be responsible for police action. Number of police officers have been found liable for failing to carry out proper and fair investigations of incidents of sacrilege and in the cases which were registered regarding use of force at Kotkapura and Behbal Kalan. ' Their names have been disclosed in the different parts of the report while dealing with these issues. The Commission would accordingly recommend appropriate action in accordance with law against all such officials. The Commission would wish to commend the role performed by SIT headed by DIG R.S. Khatra and his team which has devoted laborious efforts and has traced the cases of sacrilege detecting the persons involved in the incidents of sacrilege.. Confession made by main accused would hardly leave any doubt about the finding of the SIT, Hopefully CBI is not allowed to dilute the case.in any manner.

It is neither in the terms of reference nor the Commission has any intention to issue any sermons to the police as to how it is required to behave in a sovereign democratic country where the people are the masters and the officers are meant to serve the public as such, in this liberty oriented Constitution, the poliqe or any force of

the State cannot act as a trigger happy and then expect to get away by either creating confusion and then by hiding the truth during all inquiries regarding this unprovoked, unnecessary and brutal police action at Behbal Kalan. Two young persons lost their lives and their families have lost their bread earners. The police firing at Behbal Kalan was not only unnecessary, unprovoked and unwarranted but was found to be of most brutal in nature where death was caused by use of fire arm from very close distance being even less than one yard. In this background, how could the police officers and officials present at Behbal Kalan have been able to plead ignorance about the officials responsible for this and have not disclosed the names of these persons? It may add another feather in their cap of being unfair. Two persons lost their lives because of this action which was not called for at all. Four others suffered bullet injuries at this place.

To lessen their miseries and their hurt feelings and to compensate them, the Commission would recommend not only appropriate compensation to the heirs of the deceased but would also expect the State to attend to their grieve, grievance and miseries by adjusting one of the heirs of each deceased in a appropriate Government job carrying some dignity. How the wife of Gurdev Singh was immediately adjusted as a Constable in the Punjab police and no such consideration was shown to the heirs of those two deceased, cannot be understood and cannot be appreciated. Offer of appropriate job and compensation to the families of the deceased, thus, is called for.

Though human lives cannot be compensated with any amount of money but it

cannot be denied that financial help is a great succour to those who have lost their

earning hands. Previous Commission had recommended some amount of compensation to the heirs of deceased and the injured. It is not clear if any, compensation has been \ paid earlier or not. Keeping in view the present inflationary trends, a compensation of Rs. 75 (seventy five) lakhs to the families of each of the deceased would be appropriate. ' Amount, if any, already paid may be adjusted from the amount now recommended by the Commission.

Those who got injured at Behbal Kalan would deserve compensation as well. Those who have received bullet injuries, are recommended compensation of Rs. 5 (five) k lakhs each. Beant Singh had suffered a very extensive damage to his body and career.

He was selected for BSF and his entire life stands ruined. He, therefore, deserves much more than others who have received bullet injuries which were not of that grave nature, .k The Commission would recommend a compensation of Rs. 35 (thirty five) lakhs to I Beant Singh. The heirs of both deceased have been offered some menial jobs and same is the fate of Beant Singh. The Commission would recommend the heirs of deceased as well as Beant Singh to be accommodated against appropriate Government posts as per their qualifications.

The Commission would wish to make a special reference to the case of Ajit Singh. This 19 years old boy suffered a very serious injury on his thigh. But for the treatment at DMC, Ludhiana this boy was likely to lose his life. The nature of surgeries performed on his leg have been noticed .by the Commission in detail. The Comrhission has also recorded its observation about the plight of this boy when he appeared before the Commission to give his evidence. How helplessly he begged for government job when Commission inquired from him as to what sort of help it could extend to this young boy who had suffered a permanent handicap for entire life. Part of his leg is non-functional. Besides recommendation of compensation of Rs. 40 (forty) lakhs to this boy, the Commission would make a special recommendation for granting him appropriate job as per his qualification at the earliest. To be fair to this person, the Commission would like to record here that the Commission had promised this boy for writing to the Chief Minister for providing him an appropriate job as per his qualification. Therefore, Commission would make special plea before the Government to adjust this boy as a special case.

The Commission would also recommend to the Government to invite claims for compensation from those who got injured at Kotkapura and Behbal Kalan. Some of these injured persons have appeared before the Commission and has got recorded their statements. Since it was not within the terms of reference of the Commission to assess the extent of injuries to assess compensation to those victims, the Commission is leaving it to Government to seek such claims and allow adequate compensation to injured as per the nature of injuries received by those who are willing to come forward and claim compensation.

The Commission has noticed with concern that the then Government and Ministry of Home affairs did not do much, after placing one SSP under suspension and after changing the DGP. Suspended SSP got himself reinstated through the High Court as no charge sheet was prepared or served upon him. Charge sheet has been served upon him only by the present Government. No action is noticed against the DGP who was changed. Police has not pursued the investigations of serious case of murders at Behbal Kalan and of police action at Kotkapura. But for change of Government, all these cases would have been buried deep down without trace. Should not all those who were at helm of affairs be made answerable for such serious lapses?

Commission would  
recommend so.

JUNEgO, 2018.

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