

Neutral Citation No. - 2025:AHC-LKO:18609-DB

Court No. - 9

Case :- CRIMINAL APPEAL No. - 1593 of 2024

Appellant :- Pradeep Kumar @ Pradeep Poonia (As Per F.I.R.)

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Appellant :- Atul Verma,Akhilendra Pratap Singh,Arpit Shukla,Ishan Baghel,Pranshul Tripathi,U mang Rai,Veena Vijayan Rajes

Counsel for Respondent :- G.A.,Shiv Nath Tilhari

With

Case :- CRIMINAL APPEAL No. - 1767 of 2024

Appellant :- Ajit Kumar Sharma

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Appellant :- Atul Verma,Arpit Shukla,Ishan Baghel,Pranshul Tripathi,U mang Rai,Veena Vijayan Rajes

Counsel for Respondent :- G.A.,Shiv Nath Tilhari

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Shree Prakash Singh,J.

(C.M.Application No. 2 of 2024)

1. We have heard Sri I.B.Singh, learned Senior Advocate assisted by Sri Umang Rai for the appellant- Pradeep Kumar @ Pradeep Poonia in Criminal Appeal No. 1593 of 2024 and appellant-Ajit Kumar Sharma in Criminal Appeal No. 1767 of 2024 and Sri Shiv Nath Tilhari, learned A.G.A. for the State-respondent and perused the record.

2. These appeals have been filed against the order dated 19.02.2024 passed by learned Special Judge, N.I.A., Lucknow on bail applications filed by the appellant- Pradeep Kumar @ Pradeep Poonia in Criminal Appeal No. 1593 of 2024 and appellant-Ajit Kumar Sharma in Criminal Appeal No. 1767 of 2024 bearing Nos.813 of 2024 and 980 of 2024 respectively, arising out of Case Crime No. 01/2024, under Sections 121A, 419, 420, 467, 468, 471, 120B I.P.C., Police Station A.T.S., District Lucknow, which were rejected.

3. Since both the bail applications have been moved by the appellants seeking bail in same crime number, therefore, these bail applications are decided by a common order.

4. It has been submitted by the learned counsel for the appellants that the appellants have been falsely implicated in the said case, where F.I.R. is said to have been lodged by one Gyanendra Pratap Singh on 19.01.2024 at 8.34 p.m. at Police Station A.T.S. District Lucknow. It has been submitted that no incident took place, as has been mentioned in the F.I.R. The F.I.R. has been lodged only to falsely implicate the appellants. The appellants as well as co-accused persons are all residents of Rajasthan and being great devotees of Lord Ram had planned to attend the Pran Pratishtha of Lord Ram at Ayodhya. The appellants along with co-accused persons had planned to stay at Dharamshala at Ayodhya, but before they could reach the proper accommodation, they were apprehended and detained by the police. The allegation in the F.I.R. is that the appellant along with co-accused were conducting recce of the Ram Janam Parishar. In fact the appellants and co-accused persons were searching for a proper and cheap place to stay till the inauguration of the temple. Even in the F.I.R. nothing incriminating has been shown to have been recovered from the appellants. The mobile phones, which have been recovered cannot by themselves be said to be incriminating. The vehicle which was being used by the appellants and co-accused is not stolen property and it belongs to one Shravan Kumar Saraswa, who is a friend of Shankar Lal Dusad, one of the co-accused. The owner of the vehicle had in fact not made any compliant and had admitted during his questioning that he had given the vehicle to Shankar Lal Dusad, so that he could go on pilgrimage to Ayodhya. The Aadhar Cards, that were recovered from the appellants are original and genuine documents. The Voter ID Cards are also genuine.

5. It has been submitted that the appellants have been implicated only on the basis of alleged confessional statement made by the co-accused Shankar Lal Dusad, which has remained unsubstantiated. The confessional statement of the co-accused is of no consequences, as it cannot be used as evidence to prove guilt. The appellants are a young men, carry on their own small business in Rajasthan.

6. It has been submitted by learned counsel appearing on behalf of appellants that from a perusal of the F.I.R., which has been lodged by the police on 19.01.2024, it is evident that no person who was an alleged Khalistani terrorist working for an unlawful organization by the name of "Skikh for Justice" has been made an accused along with the appellants. It has also been pointed out that Section 419 and Section 420 carry a

punishment of less than seven years. Similarly, Section 468 and 471 also carry a punishment of less than seven years. Only under Section 467 and 121 A of the I.P.C. the appellants can be convicted with a sentence of ten years or more. No evidence has been collected for invoking Section 467 of the I.P.C. In so far as, Section 121A is concerned, which relates to conspiracy to wage war against the State, no substantial evidence has been collected of appellants actively undertaking any act, which may endanger the security of the State.

7. Sri Shiv Nath Tilhari, learned A.G.A. appearing for the State-respondent has pointed out from the counter affidavit that has been filed that Shankar Lal Dusad was in Central Jail, Bikaner w.e.f. 2016 to 2023, where he came in to contact with one Lakhwinder Singh. When he was being released from Jail, Lakhwinder Singh had asked him to contact Paramjeet Singh @ Pamma. Shankar Lal Dusad then contacted Paramjeet Singh @ Pamma telephonically, who in turn gave phone number of Sukhwinder Singh @ Sukkha who lived in Canada and Shankar Lal Dusad thereafter talked with Sukhwinder Singh @ Sukkha, several times through Whatsapp. Sukhwinder Singh @ Sukkha was a known Khalistani terrorist, who was murdered in September, 2023. During this very time, the co-accused Shankar Lal Dusad also came in to contact with Guru Patwant Singh Pannu, who runs an organization by the name of "Sikhs for Justice" and at his behest Shankar Lal Dusad along with his two friends ie. appellants Pradeep Kumar @ Pradeep Poonia and Ajit Kumar Sharma procured a White Scorpio Car from Rajasthan and forged its Registration Certificate to show the car to be registered in the name of Shankar Lal Dusad and reached Ayodhya on 17.01.2024 to conduct recce of Shri Ram Janm Bhoomi and area surrounding it, in order to facilitate a show of protest flags in favour of Khalisthan on 22.01.2024 when the Hon'ble Prime Minister and other high dignitaries would be attending the ceremony.

8. Learned A.G.A. appearing for the State-respondent has further pointed out that the Call Details relating to the Mobiles being used by the appellants and co-accused showed that the co-accused Shankar Lal Dusad was in contact with Paramjeet Singh @ Pamma.

9. Learned A.G.A. has pointed that the appellant-Pradeep Kumar @ Pradeep Poonia had talked at least 273 times with Shankar Lal Dusad, the co-accused and appellant-Ajit Sharma had talked with Shankar Lal Dusad for around 23 times.

10. The SIM that was being used was also in the name of one Dharamveer Mahala, who was a neighbour of Shankar Lal Dusad. The Aadhar Card used

by Shankar Lal Dusad was also forged. In fact, two Aadhar Cards were being used, having photographs of Shankar Lal Dusad, but the names and addresses therein were different. The verification of such Aadhar Cards were tried to be done from the Regional Office of UIDAI, through correspondence, where the query has been registered but no report has been made available till date.

11. It has been argued on the basis of the contents of the counter affidavit that co-accused were closely connected to each other and were constantly talking to each other on phone. The main accused Shankar Lal Dusad had been talking to Paramjeet Singh @ Pamma and soon after the arrest of the appellants, a message was posted on the Twitter account of Guru Patwant Singh Pannu, wherein a threat was extended to the Chief Minister of the State, holding him accountable for arresting two pro-khalishani youth from Ayodhya and Ram Mandir Ceremony to be held on 22.01.2024.

12. The learned Senior Counsel appearing on behalf of the appellants, however, has pointed out from the arguments raised by the counsel appearing for the State-respondents that since appellants Pradeep Kumar @ Pradeep Poonia and Ajit Kumar Sharma, were both cousins and were travelling with Shankar Lal Dusad, it was natural for them to make phone calls to him and no direct phone calls has been found to have been made by the appellants Pradeep Kumar @ Pradeep Poonia and Ajit Kumar Sharma with Lakhwinder Singh @ Lakkha or with Paramjeet Singh @ Pamma. They were innocent co-travellers and have been falsely implicated.

13. Learned A.G.A. has pointed out that since the vehicle in which the appellants were travelling was being used to conduct recce of sensitive places at Ayodhya and a map was also found under the seat of the Scorpio Car being used by them, if the appellants Pradeep Kumar @ Pradeep Poonia and Ajit Kumar Sharma were not involved in any conspiracy with Shankar Lal Dusad, they could have certainly informed the police in time regarding the illegal activities and intention of their co-traveller Shanker Lal Dusad. They willingly went along with him in his plan and it cannot be said that they were innocent co-travellers.

14. We have gone through the order impugned dated 19.02.2024 passed by learned trial court rejecting the bail application of the appellants. It is evident that the learned trial court, after considering all arguments and having gone through the Case Diary, has found prima facie sufficient material to implicate the appellants in a possible attempt to disturb law and order in Ayodhya on 22.01.2024, the day when the Pran Pratistha was scheduled to be held of Lord Ram at the Ram Janm Bhoomi Temple.

15. The trial court has considered the forged Registration Certificate of Scorpio Car and also the Aadhar Cards as well as the map, that was recovered from the Scorpio Car and has prima facie come to the conclusion that till the date of decision of the bail application(s) sufficient material had been collected by the A.T.S. and it could not be said that the appellants were falsely implicated. The investigation was going on and the evidence was to be evaluated at the time to trial.

16. From the order dated 19.02.2024, this Court has found a reasonable application of mind by the learned Judge to all the facts that were placed before him. It cannot be said that the conclusion that he has arrived at could not have been arrived at by reasonable prudent man having sufficient knowledge of law.

17. We do not find any merits in the two appeals.

18. Consequently, the appeals and bail applications stand **rejected**.

Order Date :- 3.4.2025

Arvind

(Shree Prakash Singh,J.)

(Sangeeta Chandra,J.)