

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21502-2015

Date of decision: July 06, 2015

Bharat Singh and another

.... Petitioners...

Versus

State of Haryana

.... Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. KDS Hooda, Advocate,
for the petitioners.

Jaspal Singh, J. (Oral)

Through this petition preferred under Section 482 of the Code of Criminal Procedure, petitioner has sought quashing of FIR No. 458, dated 03.06.2015, under Sections 153/153-A, 153(1) A,B,C, 504, 505, 120-B of IPC, at Police Station Civil Lines, Hisar District Hisar.

2. Shortly put, allegations contained in the FIR are that on June 02, 2015, followers of Sant Rampal, Satlok Ashram, Barwala assembled in the park at Hissar on the pretext of celebrating Kabir Jayanti as per their pre-planning with an intention to create nuisance, to hurt religious feelings of people, to create religious hatred amongst the communities, to breach the peace and harmony, to break the national unity and integrity as well as to create fear and feeling of insecurity amongst different castes and communities. To achieve their unlawful object, booklets/pamphlets were got distributed/circulated. After the registration of the case, some persons including petitioners were arrested, who are

subsequently let off by the police.

3. While assailing the contents of FIR, it has been contended by learned counsel for petitioners that in fact, on June 02, 2015, Kabir Jayanti was to be celebrated as usual. For that purpose, necessary permission was obtained from Deputy Commissioner, Hisar and place for celebrating the same was also earmarked, on deposit of the requisite fee. On the eve of Kabir Jayanti, blood donation camp was also scheduled to be organized, in consultation with Red Cross Society. Necessary intimation was also given to Civil Surgeon, Hisar to depute team of doctors and other necessary staff and equipment to collect by 500 units of blood. But when petitioners and others were making arrangements for the aforesaid purpose on June 01, 2015 and were raising tents and stalls, preparing food, local police all of a sudden came and stopped the work. On June 02, 2015, as per the programme, large number of persons started collecting at the venue but local police did not allow them to reach. They were subjected to lathi charge, assaulted and manhandle. They were also asked to leave the venue. Though, certain pamphlets/booklets were distributed at the venue but it was just a representation/letter to the Chief Minister of the State, being aggrieved by the action of local police as well as administration. Through said representation/letter, only a demand of fair and impartial investigation through CBI in the episode leading to the registration of cases, levelling allegations against Sant Rampal and his followers, was sought.

4. It was further urged by learned counsel for petitioners that either from the contents of FIR or of pamphlets/booklets, no offence under

Sections 153, 153-A, 153 (1) A, B, C, is made out. Similarly, even if the

allegations contained in FIR are taken at its face value and accepted in its entirety, do not prima facie constitute any offence or make out a case against petitioners and others. Allegations made in the FIR are otherwise, so absurd and improbable, on the basis of which, even no person can ever conclude that there are sufficient grounds for proceedings against petitioners and others. Moreover, instant case is nothing but has been registered by police just to wreck vengeance qua petitioners and others being followers of Sant Rampal. Since, FIR has been registered with *malafide* intention, actuated with malice and ulterior motive, same deserves to be quashed. To fortify his arguments, learned counsel for petitioners has relied upon judgment captioned as **“State of Haryana and others vs. Bhajan Lal and others”, 1992 Suppl. (1) SCC 335.**

5. This Court has given an anxious thought to the aforesaid submission made by learned counsel for petitioners and has perused the record meticulously.

6. Undoubtedly, on the eve of Kabir Jayanti, people started collecting at the venue. Apprehending breach of peace, law and order in the State, police swung into action especially when followers of Sant Ram Pal collected at the venue started distributing some pamphlets/booklets amongst them containing objectionable material to thwart the law and order situation and to create hatred between the different communities

7. A glance at the pamphlets/ booklets distributed amongst the persons assembled at the venue prima facie reveal that intention of petitioners and others was to create nuisance, breach of peace and harmony in the State. There are not only allegations against the administration but also against the judicial system. From the contents of

FIR as well as that of pamphlets/booklets distributed at the venue, it cannot be said that if, same are taken at its face value these do not prima facie constitute any offence. Similarly, there is nothing to suggest that allegations in the FIR are attended with *malafide* or actuated with malice or that same have been levelled with an ulterior motive to wreck vengeance on the petitioners and others.

8. In the light of above narrated facts but without expression of any opinion on the merits of the case, this Court does not find it a fit case to quash the FIR. Accordingly, petition stands dismissed.

July 06, 2015

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**(JASPAL SINGH)
JUDGE**