

CRM-M-36463-2016

Date of Decision : 15.11.2016

Sukhpreet Singh and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Rahul Bhargava, Advocate
for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

With the assistance of learned State counsel, I have gone through the police file which indicates that the allegation against petitioner No. 1 is that he had uploaded a message containing a song pertaining to the persons belonging to the scheduled castes. The contents of the song form part of FIR which is apparently derogatory to the persons of scheduled castes category besides being offensive to some extent.

Perusal of the police file does not indicate whether it was any of the petitioners who has created the song. Petitioner No. 1 had forwarded the song to petitioner No. 2 who had sent it in a whatsapp group and then deleted the group. The petitioners do not *prima facie* appears to be author of the song and the same has been received from a place out of the country which cannot be detected from the whatsapp messages. The statements of the members of the whatsapp group seem to have not been recorded as yet. The petitioners have joined

investigation.

In view of the totality of above said circumstances, the arrest of the petitioners will not be of much consequence. The petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions:-

- i) Petitioners will join investigation as and when required
- ii) Petitioners will not tamper with the evidence or hamper the investigation in any manner.
- iii) Petitioners will provide all the information about the details of the whatsapp group members and will not commit the similar offence of which they are accused of, in the present case, during the pendency of the trial.

In case of violation of any of the above said conditions, it will be open to the prosecution agency/complainant to seek cancellation of bail.

(M.M.S. BEDI)
JUDGE

15.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No