

S.No.207

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38929 of 2018 (O&M)

Date of Decision:18.09.2018

Narinder Thapar Petitioner

Vs.

State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sandeep Arora, Advocate
 for the petitioner.

Mr. Hittan Nehra, Addl. AG,
Punjab

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.211 dated 18.08.2018 registered under Sections 295-A IPC (offence under Section 120-B IPC added later on) at Police Station Division No.6, Jalandhar.

Counsel for the petitioner contends that it is admitted case of the Police that the face-book live telecast of the alleged objectionable material is not found to be from the face-book account of the petitioner. Therefore, the petitioner cannot be blamed for putting the material on social media. Counsel further contends that otherwise also, the alleged material did not have a direct bearing upon tenets of Sikhism as such. Therefore, mere hyper-sensitivity of the complainant, qua perception of tenets of the Sikh religion; cannot be made a basis for offence under Section 295-A IPC. It is further contended that the petitioner would join the investigation and co-operate with the Police.

On the other hand, the State Counsel submits that the material, which was being put on face-book live, was the proceedings of a party; which was held at the premises of the petitioner. It is further contended that the Police requires custody of the petitioner to investigate the case in its right perspective.

Having heard learned counsel for the parties, the Court finds substance in the arguments of learned counsel for the petitioner. Since, admittedly, the face-book live telecast of the incident was from the account of some other person, therefore, prima-facie, the petitioner cannot be deemed to be responsible for that live telecast.

In view of the above, the petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the arresting Officer; in case the petitioner is arrested in the above said FIR.

However, it is further directed that the petitioner shall join the investigation as and when so required by the Police. The petitioner shall also abide by the conditions as prescribed under Section 438(2) Cr.P.C.

Disposed of.

September 18, 2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No