

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

CRM-M No.13533 of 2019 (O&M)

Decided on: 11.07.2019

Baljit Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Baltej Singh Sidhu, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Ms. Harpreet Kaur, Advocate
for Mr. Navkiran Singh, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.86 dated 21.06.2016, for offence punishable under Sections 295-A and 120-B of the Indian Penal Code (in short 'IPC'), registered at Police Station Dialpura, District Bathinda.

Learned counsel for the petitioner has relied upon the order dated 16.05.2019 passed by this Court in CRM-M No.16563 of 2019 wherein the following observation was made:-

“Learned counsel for petitioners Baljit Singh, Rajvir Singh and Sukhmander Singh has additionally argued that they were nominated on the basis of statement made by co-accused Jatinderveer Arora @ Jimmi; two other co-accused Sadhu Singh and Amarjit Singh have already been granted the concession of regular bail by the Additional Sessions Judge, vide order dated 11.01.2019

and their case is also on similar footings as of other co-accused.

Learned counsel for petitioner Rajinder Kumar @ Babbu has submitted that the petitioner was also nominated in the case on the basis of statement of co-accused Jatinderveer Arora @ Jimmi and one of the coaccused Gurbavittar Singh @ Pavittar Singh has already been granted the concession of regular bail by this Court vide order dated 02.04.2019 passed in CRM-M-9240-2019, by passing the following order: -

“Allegations are that in conspiracy with other persons, the petitioner threw certain pages of a holy book in a bid to escalate religious tensions and outrage the religious feelings of a particular community.

Counsel for the petitioner has argued that the case is triable by the Magistrate and the petitioner has now been in custody for about four and half months and the other accused who were also charged with similar offences have been released on bail after about the same period of custody.

Learned DAG Punjab and counsel for the complainant have vehemently argued that the allegations are very serious in nature and but for the timely action by the authorities, the acts of the petitioner and his co-accused could have resulted in very grave consequences. They have, however, accepted the fact that the petitioner has been in custody for four and half months and the persons accused of similar offences have been released on bail after the same period of custody.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession

of regular bail to the petitioner.

Bail to the satisfaction of the trial Court/Duty Magistrate.”

Learned counsel has further argued that petitioner Rajinder Kumar @ Babbu is in judicial custody since 13.11.2018 and as per version in the FIR, occurrence took place on 18.06.2016, whereas the FIR was registered on 03.07.2016, without explaining the delay of 15 days.

In reply, learned State counsel, on instructions from the Investigating Officer and assisted by learned counsel for the complainant, has however opposed the prayer for bail. It is submitted that the petitioners have committed the heinous offence, which is punishable under Section 295-A IPC and for the Sikh community, holy Shri Guru Granth Sahib is a living Guru and they have committed a serious crime at the dictum of their Guru, who is head of Dera Sacha Sauda, Sirsa.

After hearing learned counsel for the parties, considering the fact that the petitioners are in custody since 13.11.2018; maximum punishment under Section 295-A IPC is three years; offences are triable by the Court of Magistrate; investigation is complete; challan stands presented; charges are yet to be framed, therefore, it will take long time in conclusion of the trial and also considering the fact that there is a delay of 15 days in registration of the FIR, which is not explained and the petitioners are arrested, after a supplementary statement dated 13.11.2018 i.e. after a period of two years, was recorded, these petitions are allowed and petitioners Rajinder Kumar @ Babbu, Baljit Singh, Rajvir Singh, Sukhmander Singh and Jatinderveer Arora @ Jimmi are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned Counsel for the petitioner has further argued in this case the petitioners are in custody from the last 07 months and 07 days and the offences are triable by the Court of Magistrate and the conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Baldev Singh, assisted by counsel for the complainant has not disputed the factual position but opposed the prayer for bail on the ground that the petitioners are involved in other FIR.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody from the last 07 months and 07 days; the petitioners have already been granted the concession of regular bail in FIR No.98 dated 03.07.2016 vide order dated 16.05.2019 passed by this Court in CRM-M No.16563 of 2019; the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some time, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No