

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

**CRM-M No.20755 of 2019 (O&M)
Decided on: 11.07.2019**

Jatinderveer Arora @ Jimmi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bipan Ghai, Sr. Advocate
with Mr. Vishavjit S. Virk, Advocate
for the petitioner.

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

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

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.18038 of 2019

Heard.

Allowed as prayed for and the documents (Annexures P-12
to P-15) are taken on record subject to all just exceptions.

CRM-M No.20755 of 2019

Prayer in this petition is for grant of regular bail to the
petitioner 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 Senior Counsel for the petitioner has submitted that the petitioner has already been granted the concession of regular bail in FIR No.161, during the investigation of which the statement of the petitioner under Section 164 Cr.P.C. was recorded.

Learned Senior Counsel for the petitioner has relied upon the order dated 16.05.2019 passed in CRM-M No.17350 of 2019 wherein the following observation was made:-

As per the allegations in the FIR registered on 20.10.2015, complainant Iqbal Singh stated that he is the President of Local Gurudwara Committee of the village and at about 5.30 AM, the Granthi of the Gurudwara, namely Roop Singh, informed him that the pages of Guru Granth Sahib were scattered on the Phirni (link road of the village) and on the platform of 'Bohar'. Thereafter, complainant along with one Satnam Singh when to the spot and collected the pages of holy Granth. The FIR was registered with the allegations that the incident has deeply hurt the sentiments of the followers of Guru Granth Sahib.

It is submitted in the petition, filed by petitioner Deepak Kumar, that initially nobody was named in the FIR and the petitioner was nominated after a period of three years of the incident on the basis of a supplementary statement made by the complainant without there being any explanation of delay.

It is further submitted in the petition that petitioner is in judicial custody since 03.11.2018; the investigation is complete and challan stands presented and the conclusion of the trial is likely to take a long time.

ASI Nachhatar Singh, who is present in Court, has not disputed the fact that investigation is complete and the petitioner is in judicial custody since 03.11.2018, however, submitted that one more case of the similar nature is

pending against the petitioners in the same police station i.e. FIR No. 89 dated 26.06.2016, registered under Sections 295-A and 120- B of the IPC.

In the petition, filed by petitioner Jatinderveer Arora alias Jimmi, it is additionally submitted that the petitioner is in judicial custody since 08.11.2019.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody since 03.11.2018 and 08.11.2018, respectively and they are no more required for further investigation and also in view of the fact that conclusion of the trial is likely to take some time, the instant petitions are allowed. Petitioners Deepak Kumar and Jatinderveer Arora @ Jimmi are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.”

Learned Senior Counsel for the petitioner has further argued in this case the petitioner is in custody for the last 07 months and 07 days and the offences are triable by the Court of Magistrate and the maximum sentence for the offence is 03 years.

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 petitioner is involved in other FIR.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody from the last 07 months and 07 days; the petitioner has already been granted the concession of regular bail in FIR No.161 dated 20.10.2015 vide order dated 25.04.2019 passed by this Court in CRM-M No.17350 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 petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2019

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