

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20562-2019

Date of decision: 16.05.2019

Baljit Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Sidhu, Advocate
for the petitioners.

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

Mr. Navkiran Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.161 dated 20.10.2015 under Sections 295-A, 120-B IPC, registered at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioners has submitted that as per allegations in the FIR, got registered by complainant Iqbal Singh, on 20.10.2015, some pages of Shri Guru Granth Sahib were found scattered at 2-3 places and it has hurt the religious feelings of Sikh community. Learned counsel has further submitted that initially, co-accused Jatinderveer Arora @ Jimmi was arrested in the FIR and made a statement before the Judicial Magistrate 1st Class, levelling allegations against the petitioners. The statement made by

Jatinderveer Arora @ Jimmi on 22.11.2018 reads as under: -

“Today accused Jatindervir Arora has produced on production warrant on his request which has been forwarded by Superintendent New District Jail Nabha and today the accused Jatindervir Arora apprised the court with regard to confession of the offence. However the undersigned has started recording the statement and while apprising the provision of Section 164 Cr.P.C. with regard to the fact that accused is not bound to make the statement under Section 161(2) Cr.P.C., then accused got recorded his statement that he has been threatened with the life threat, under these circumstances undersigned not opted to record his confession u/s 164 Cr.P.C. Let SSP, Bathinda as well as Superintendent New District Jail Nabha are directed to ensure the safety of accused Jatindervir Arora. All the accused be produced through VC on 01.12.2018. Copy of this order be sent to SSP, Bathinda.”

Learned counsel for the petitioners has argued that thereafter, statement of co-accused Jatinderveer Arora @ Simmi under Section 164 Cr.P.C. was recorded, in which he nominated the petitioners as accused. It is further submitted that the petitioners are in judicial custody since 03.12.2018, the police has completed the investigation, challan stands presented before the trial Court in December, 2018 and the petitioners are no more required for further investigation.

Learned counsel for the petitioners has relied upon the order dated 25.04.2019 passed in CRM-M-17350-2019 and CRM-M-17340-2019, vide

which co-accused Jatinderveer Arora @ Jimmi along with Deepak Kumar, were granted the concession of regular bail. The operative part of the order reads as under: -

“These petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to petitioners Deepak Kumar and Jatinderveer Arora alias Jimmi in case FIR No. 161 dated 20.10.2015, registered under Sections 295-A and 120-B of the IPC at Police Station Dialpura, District Bathinda.

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 went 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/Illaq Magistrate concerned.”

In reply, learned State counsel could not dispute the factual position, however, submitted that the petitioners are involved in one more of similar nature.

Learned counsel for the complainant has however opposed the

prayer for bail on the ground that the petitioners have committed a serious offence punishable under Section 295-A IPC for scattering the pages of Shri Guru Granth Sahib.

It is worth noticing here that the petition filed by complainant Iqbal Singh praying for cancellation of regular bail granted to co-accused Jatinderveer Arora @ Jimmi on 25.04.2019 stands dismissed vide separate order of even date passed in CRM-M-21818-2019.

After hearing learned counsel for the parties, considering the fact that the petitioners are in custody since 03.12.2018; maximum punishment under Section 295-A IPC is three years; offences are triable by the Court of Magistrate; investigation is complete; challan stands presented and even the charges have not been framed so far and it will take long time in conclusion of the trial and also considering the fact that the incident pertains to the year 2015 and in the intervening period, there is no allegation against the petitioners they have committed or repeated any such offence, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No