

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-31439-2019(O&M)
Date of Order:11.09.2019

Jenish Sharma

..Petitioner

Versus

State of Punjab

..Respondent

(2) CRM-M-32197-2019(O&M)

Gaurav Gupta

..Petitioner

Versus

State of Punjab

..Respondent

(3) CRM-M-34397-2019 (O&M)

Baneet

..Petitioner

Versus

State of Punjab

..Respondent

(4) CRM-M-33017-2019 (O&M)

Rajan Sharma

..Petitioner

Versus

State of Punjab

..Respondent

(5) CRM-M-32428-2019 (O&M)

Aman Monga

..Petitioner

Versus

State of Punjab

..Respondent

(6) CRM-M-32664-2019 (O&M)

Tanuj Monga

..Petitioner

Versus

State of Punjab

..Respondent

(7)

CRM-M-32668-2019 (O&M)

Jai Kishan

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Chadha, Sr. Advocate, with
Ms. Swati Verma, Advocate,
for the petitioner (in **CRM-M-31439-2019**)
Mr. Yogesh Goel, Advocate
for the petitioner (in **CRM-M-32197-2019**)
Mr. Dhewalient Dutta, Advocate, for
Mr. Sourabh Goel, Advocate,
for the petitioner (in **CRM-M-34397-2019**)
Mr. Vikram Dutt, Advocate, for
Mr. Naveen Bawa, Advocate,
for the petitioner (in **CRM-M-33017-2019**)
Mr. Sandeep Gahlawat, Advocate,
for the petitioner (in **CRM-M-32428 & 32664-2019**)
Mr. Vikas Kumar, Advocate
for the petitioner (in **CRM-M-32668-2019**)

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

These petitions depict very sorry state of affairs and negative role played by the Investigating Officer. 7 young boys are sought to be implicated in a criminal case on the ground that they have hurt religious sentiments.

As per the case set up by the prosecution, a video went viral in which Tanuj Monga is depicted carrying a bowl (baatta) of liquor in his hand and the same is being distributed amongst themselves as if it is a holy water (Amrit). Amrit is distributed/sprinkled in Sikh religion. They are also alleged to be seen raising slogans to the effect that come and take the holy water from the bowl(baatta). Hence, they have openly hurt the sentiments of Sikh religion.

Investigating Officer present in Court has submitted that the petitioners in all the cases have joined investigations, cooperated and are not required for further custodial interrogation, at this stage, therefore, while confirming the interim protection granted on 24.07.2019, 30.07.2019, 26.08.2019, 09.08.2019, 31.07.2019, 05.08.2019 and 05.08.2019, it is considered appropriate to direct Commissioner of Police, Ludhiana, to re-examine the entire case file and take a call within 15 days from today whether it would be appropriate to continue with the criminal prosecution of these young boys who may have committed a small mistake.

All religions preach forgiveness, peaceful co-existence. India is a secular country and citizens are required to make constant efforts to achieve the goal of peaceful co-existence for one and all. Apart from law and order, it is also the duty of the police to ensure that people live in harmony.

In view thereof, interim orders dated 24.07.2019, 30.07.2019, 26.08.2019, 09.08.2019, 31.07.2019, 05.08.2019 and 05.08.2019 passed by this Court are made absolute.

Accordingly, all the petitions are allowed.

September 11, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No