

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

CRM-M-33221-2020 (O&M)

Date of decision: 16.10.2020

Lakhveer Singh @ Lakhwinder Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Neesh Garg, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Lakhveer Singh @ Lakhwinder Singh @ Lakha, aged about 31 years, an accused in FIR No.0160 dated 25.09.2020, for offences under Sections 341, 323, 149, 109 and 295 of IPC, registered with Police Station City-1, District Mansa.

Briefly stated facts of the case as per prosecution version are that, complainant Ugar Singh had got his statement recorded with the police to the effect that on 24.09.2020 at about 06.15 AM, while he was going to Gurudwara Sahib for paying obeisance, on the way near Amar Hotel, Lakhveer Singh arrived there in his car bearing No.PB31-L-8421; the other occupants of the car were Harjinder Singh, Kulwinder Singh, Navjot Singh and Sonu Khan; all the occupants of the car who were employees of the Surinder Kumar @ Pappi and acquainted with the

complainant alighted from the car; Lakhveer Singh @ Lakha stated that complainant would be taught a lesson for creating obstructions in the work of Surinder Kumar @ Pappi, then all of them assaulted the complainant; they removed the turban of the complainant and kicked it away and showed disrespect to his long hair and his kakara (Sikh religion symbols), which he was wearing; the complainant stated that the incident had taken place at behest of Surinder Kumar @ Pappi. Formal FIR was registered. The investigation in the case started.

Apprehending their arrest in this case, petitioner Lakhveer Singh @ Lakhwinder Singh @ Lakha and his co-accused Surinder Kumar @ Pappi had approached the Court of Sessions at Mansa, seeking pre-arrest bail. The petition for pre-arrest bail was allowed with regard to Surinder Kumar @ Pappi but was declined to the present petitioner, by Addl. Sessions Judge, Mansa, vide order dated 07.10.2020. Feeling aggrieved, petitioner Lakhveer Singh @ Lakhwinder Singh @ Lakha has knocked at the door of this Court, praying for grant of similar relief.

Notice of motion.

Mr. H.S. Sullar, DAG, Punjab, accepts notice on behalf of the State and opposes the prayer made on behalf of the petitioner.

I have heard learned counsel for the parties besides going through the record.

In this case, the allegations against the petitioner and his co-accused are very grave and serious. India is a country, which is inhabited by various people belonging to various religions, races, castes and creeds. All the people live in harmony. Mostly, people show respect for each

others religious feelings but on some occasions, some mischievous persons tried to create tension by hurting religious sentiments of others. Here, the acts attributed to the petitioner that he along with his co-accused had removed the turban of the complainant and then kicked it away, showing disrespect towards his long hair and other signs/symbols of Sikh religion (kakara) being worn by him, needs to be dealt with all the seriousness and strictness. In case, such type of incidents are viewed lightly and in a causal manner that may result in creating communal and religious tension in the society, affecting peace and tranquility. Thus, facts and circumstances of the case do not warrant grant of discretionary equitable relief of pre-arrest bail to the petitioner, rather his custodial interrogation is found to be necessary for complete and effective investigation, so as to find out as to how the incident was planned and executed, who were the other persons involved in the planning and providing indirect help in carrying out of the incident. In case the custodial interrogation of the petitioner/accused is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, finding no merit in the instant petition, the same stands dismissed.

16.10.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No