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

**CRM-M-118-2021 (O&M)
Date of decision :23.08.2021**

Navneet Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ramandeep Singh, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab.

Mr. Rahul Kumar Adia, Advocate for the complainant.

ALKA SARIN, J.

Heard through video conferencing.

This is the second petition under Section 438 of the Code of Criminal Procedure 1973, for grant of anticipatory bail in FIR 68 dated 06.06.2020, registered under Sections 469, 509, 153-A of the Indian Penal Code, 1806, Section 66-D of the Information Technology Act, 2000 and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (hereinafter referred to as the 'SC/ST Act'), at Police Station Mehtiana, District Hoshiarpur.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the case and that the offences under the SC/ST Act are not made out. It is further argued that ingredients of Section 3(1) of the SC/ST Act are not even remotely constituted so as to

bring out any offence under the Act. The first petition for grant of anticipatory bail by the petitioner (CRM-M-16893-2020) was dismissed withdrawn on 08.07.2020. Counsel for the petitioner has placed reliance on the judgement delivered by a co-ordinate Bench of this Court in **'Gurcharan Singh Syal vs. State of Punjab'**(CRM-M-16833-2018 ***decided on 31.05.2018***) to contend that successive petitions for grant of anticipatory bail are maintainable.

Mr. Sandeep Vermani, Addl. AG Punjab, on instructions from ASI Harjinder Singh, has stated that the petitioner has been evading arrest since 06.06.2020 and despite numerous raids having been conducted the Police has not been able to apprehend the petitioner. He has further placed reliance on the judgment delivered by the Hon'ble Supreme Court in the case of **'G.R. Ananda Babu Vs. State of Tamil Nadu & Anr.'** [2020 SCC Online SC 176] to contend that successive anticipatory bail applications ought not to be entertained more so when the accused is absconding and not co-operating with the investigation.

Heard.

This is the second petition for grant of anticipatory bail. The reliance by the learned counsel for the petitioner on the decision by a co-ordinate Bench of this Court in the matter of **Gurcharan Singh Syal (supra)** is wholly misplaced. In that case it has specifically been noticed that after rejection of the first petition for anticipatory bail, the accused therein had joined investigation and the Police did not find it necessary to take him into actual custody. It was also noticed in that case that there were material changes since the filing of the first petition for grant of anticipatory bail in as much as the investigation was complete and challan had been presented.

In the present case it has specifically been stated by the learned counsel for the State that the petitioner is absconding and, despite numerous raids having been conducted, the petitioner has not been arrested. The investigation has not been completed. In the decision by the Hon'ble Apex Court in the matter of **G.R. Ananda Babu (supra)** it has been held *inter-alia* as under :

“7. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

Further, as per the allegations in the FIR it has been alleged that the petitioner had used indecent words and caste based words against the members of the Scheduled Caste Community on his Facebook account which thereafter went viral. It has been noticed in the order dated 22.06.2020 passed by the Additional Sessions Judge, Hoshiarpur that a copy of the compromise dated 08.05.2020 placed on the Police record shows that the applicant/accused has admitted that on his Facebook ID under the name of Kshitij Parashar (Navneet), he had committed a major mistake by using abusive language and caused hurt to the religious feelings of one sect. He wrote to undertake not to repeat the same mistake in future. The Court is refraining from reproducing the content of the Facebook post made by the petitioner. Suffice it to say that freedom of speech would not entitle a person

to make derogatory remarks/posts against any community or gender.

In view of the above, I do not find this to be a fit case for grant of anticipatory bail. The same is, accordingly, dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

August 23, 2021
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO