

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20224 of 2021 (O&M)
Decided on: 13.09.2021

Harkirat Singh Khurana

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Chanakya Batta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.118 dated 02.04.2021, registered under Sections 295-A, 298, 153-A, 153-B, 505, 149, 124-A, 120-B IPC at Police Station City Kharar, District S.A.S. Nagar.

The operative part of the order dated 21.05.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Prayer in this petition is for grant of anticipatory bail in FIR No.118 dated 02.04.2021 under Sections 295-A, 298, 153-A, 153-B, 505, 149, 124-A, 120-B IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner relies upon the order dated 28.04.2021 passed in CRM-M-17622-2021,

vide which co-accused Amit Ghai has been granted the concession of interim anticipatory bail by this Court.

Notice of motion for 13.09.2021.

To be listed along with CRM-M-17622-2021.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. He shall make himself available for interrogation by a police officer as and when required;

2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. He shall not leave India without previous permission of the Court....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 21.05.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

In compliance of the order dated 28.04.2021 (passed in connected petition i.e. CRM-M No.17622 of 2021), the affidavit of the Director Bureau of Investigation, Punjab, which has been filed in the Court today along with the report of the DIG, Rupnagar Range, Rupnagar, who has headed the SIT, is taken on record.

According to the report, by raising 04 points, the SIT has recorded a finding that the original video can be termed as a hate speech and the Press Reporter was not an instrument in perpetuation of the crime. The SIT formed the opinion by observing that the members

of Shiv Sena Hind have invited the Press Reporters to air the contents of the press conference for the public. It is also observed that the Press Reporter had given introduction to the contents of his comments regarding the event which does not amount to hate speech.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Considering the fact that it will be matter of trial whether the original video clicked could amount to hate speech or not as no specific finding has been recorded by the SIT and it is only observed that the original video showing the press conference can be termed as hate speech, I deem it appropriate to confirm the bail granted to the petitioner.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated 21.05.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.09.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No