

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23350 of 2021 (O&M)
Decided on: 13.09.2021

Ajay Kumar and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sidhant Mehra, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray 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 18.06.2021, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 118 dated 02.04.2021 (Annexure P-1) registered under Sections 295-A, 298, 153-A, 153-B, 505, 149, 124-A and 120-B IPC at Police Station City Kharar, District S.A.S. Nagar (Mohali).

It is the contention of the learned counsel for the petitioners that the petitioners are similarly placed as the

other co-accused who have been granted the benefit of interim bail by this Court in CRM-M-17622 of 2021, which is now listed for hearing on 13.09.2021.

Notice of motion.

On the asking of the Court, Mr. S.P.S.Tinna, Addl. A.G. Punjab, accepts notice on behalf of the respondent.

Let the petitioners appear before the Investigating Officer and join investigation on 24.06.2021 at 10 A.M. at Police Station City Kharar, District S.A.S. Nagar (Mohali) and on their doing so, they be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr. P.C.

List on 13.09.2021.

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

Counsel for the petitioners has submitted that, in pursuance to the order dated 18.06.2021, the petitioners have appeared before the Investigating Officer and have 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 petitioners are 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 petitioners.

Accordingly, the present petition is allowed and the interim bail granted to the petitioners vide order dated 18.06.2021 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