

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.26656 of 2021 (O&M)
Decided on: 13.09.2021

Anuj 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 13.07.2021, 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 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 petitioners has relied upon the order dated 28.04.2021 passed in CRM-M-17622-2021, vide which co-accused Amit Ghai has been granted

concession of interim anticipatory bail by this Court. Learned counsel for the petitioners has also relied upon the order dated 19.05.2021 passed in CRM-M-19971-2021, vide which another co-accused, namely Kamal Deep @ Bunty, has also been granted concession 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 petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they will be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. They will make themselves available for interrogation by a police officer as and when required;

2. They will 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. They will not leave India without previous permission of the Court....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 13.07.2021, 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 13.07.2021 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

