

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27162 of 2021 (O&M)
Decided on: 13.09.2021

Gautam Sharma

....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 16.07.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner relies upon 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.

Notice of motion for 13.09.2021.

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

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal

bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 16.07.2021, 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 16.07.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.09.2021
yakub

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