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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28348-2021

Date of Decision: 29.07.2021

Gurmail Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Dhir, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab
assisted by ASI Jaswinder Singh.

Mr. P.S. Sekhon, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition is filed under Section 439 Cr.P.C. for grant of regular bail in F.I.R. No. 75, dated 20th May, 2021 under Section 295-A of IPC (Section 120-B of IPC was added later on), registered at Police Station Sadar Bathinda, District Bathinda.

[3] The F.I.R. was result of a complaint made by Harpal Singh Khara alleging that Ardas (prayer) was made in the Gurdwara making praises of head of a *Dera* and for his early release. It was stated that religious sentiments of a particular community were hurt with making of such *Ardas*. As per the case set up, there was video recording of

Ardas which was circulated on social media.

[4] There is allegation of conspiracy between the petitioner and Sukhpal Singh (co-accused) for doing an action which will disturb the peace and harmony in the State. During investigation, the police authorities wanted to look into financial sources for tractor purchased by the petitioner.

[5] Learned counsel for the petitioner submits that petitioner is in custody since 21st May, 2021. The investigation is complete, challan stands presented. He further submits that co-accused Sukhpal Singh was granted interim bail by this Court with direction to join investigation.

[6] Learned State counsel submits that allegations against the petitioner are serious as it is a case of hurting the religious sentiments.

[7] Though the complainant has not been impleaded as a party, Mr. P.S. Sekhon puts in appearance on behalf of the complainant. He contends that co-accused who is on interim bail has denied any conspiracy. It is a case where both the accused should be interrogated together.

[8] The investigation qua the petitioner is complete, challan stands presented. Petitioner is in judicial custody. The co-accused was granted interim bail. The petitioner has no criminal antecedents. The case is of magisterial trial. The evidence by way of video clip circulated on social medial is already with the investigating agency.

[9] In the facts and circumstances of the case, no useful

purpose would be served by depriving the personal liberty of the petitioner. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[10] The petition is allowed.

[11] However, it is clarified that if petitioner indulges in similar sort of action, the State would always be at liberty to move an application for cancellation of bail.

[12] The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

29th July, 2021
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |