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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 38300 of 2020
Date of Decision: 19.01.2021

Baljinder Singh Baljinder Singh @ Jindu

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajvinder Singh Bains, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Ajaivir Singh, Advocate.

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RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0401 dated 10.11.2020 registered under Section 295-A IPC at Police Station Division No.8,District Police Commissionerate Ludhiana.

On 11.12.2020, following order was passed by this Court:-

"The case has been taken up for hearing through video-conferencing.

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Petitioner seeks anticipatory bail in case FIR No.0401 dated 10.11.2020. Allegations against the petitioner are that he uploaded a facebook status in which following words were written ***"Jab Jaib me hai money, toh kya krega sala shani"****. Learned counsel for the petitioner submits that the aforesaid FIR was registered due to malice as the petitioner started a medical store in the name and style of "Guru Nanak Modi Khana" where he along with his team had started selling medicine on controlled rates. During the course of aforesaid business, the petitioner came to know about ongoing fraud in retailing of medicines vis-a-vis generic medicines which were being sold at the rate of branded medicines.*

The aforesaid unethical practice was exposed by the petitioner and the lodging of aforesaid FIR is the handiwork of medicine mafia. Earlier also the petitioner was victimized by way of registration of FIR No.289 dated 20.08.2020 for the same offence in which allegations were made that he did not use word

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"Shri" before the name of "Ram" word "Mata" before the name of "Sita" and word "Bhagat" before the name of "Hanuman". Learned counsel further submitted that pronouncing the aforesaid words in the context of money in the pocket is in common parlance in country side area where so many phrases are prevailing. All such utterances are not offences, rather careless attempt cannot be termed as offence under Section 295 (A) IPC. It penalizes only those acts of insults to those varieties of attempts to insult religion or religious belief of a class of citizens which are perpetrated with deliberate and malicious intention of outraging religious feelings of that class of citizens.

At this stage without adverting to merits of the case, I deem it appropriate to direct the petitioner to join investigation on 16.12.2020 at 11 AM. In the event of his arrest he shall be granted interim bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer.

Adjourned to 19.01.2021."

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Learned State counsel duly assisted by Mr. Ajaivir Singh, Advocate admits that the petitioner has joined the investigation, however, opposed the bail on the ground that the instinct with which the utterances made by the petitioner were derogatory in nature.

Since, the petitioner has joined the investigation, therefore, taking into consideration the overall situation, I deem it appropriate to confirm the order dated 11.12.2020.

In view of above, order dated 11.12.2020 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer.

January 19, 2021 **(RAJ MOHAN SINGH)**
Jyoti Sharma **JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No

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