

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-29335-2022

Date of Decision:-08.08.2022

Ravinder Pal Kaur.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gaurav Chopra, Senior advocate assisted by
Mr. Anurag Chopra, Advocate for the Petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

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

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.0120 dated 17.05.2022 under Sections 295-A IPC registered at Police Station Canal Colony, Bathinda.

The present FIR came to be registered with the allegations that on 17.05.2022 at about 8.30 am from the ground floor of Flat No.1034 of D.D. Mittal Tower Block No.8 some parts from 5 to 12 and part 15 to 16 of Sh. Gutka Sahib, Holy Bani of Shri Guru Teg Bahadur Ji were lying torn. Parts 15 to 24 were half torn and the remaining half was missing. Parts 25 to 46, parts 49 to 64 of Gutka Sahib were found lying torn on the ground in the way. Dishonour of the parts and the cover of the Holy books was being done under Flat No.10. On an inquiry being conducted it was found that the present petitioner had committed the offence in question.

The Counsel for the petitioner *inter alia* contends that in fact the petitioner has been born and brought up as per the Sikh religion and was

married into a sikh family and has utmost regards and respect for the said religion. In fact she is suffering from Schizophrenia and Bipolar Disorder and her medical reports dated 29.05.2018 pertaining to the year 2017 when she was undergoing treatment at New Zealand are attached with the petition as Annexure P-2. She is a lady of the age of 56 years and looking at her mental condition, by no stretch of imagination can it be said that the offence under Section 295-A IPC was made out as she could not possibly have any deliberate and malicious intent to outrage the religious feelings of any class by insulting its religion or beliefs in view of her medical condition.

This Case had earlier come up for hearing on 15.07.2022 on which date the following order was passed :-

“ Custody certificate dated 14.07.2022 filed by the learned State counsel has been received and the same is taken on record. Registry is directed to tag the same at proper place.

Mr. P.S. Sekhon, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record.

The learned counsel for the petitioner inter alia contends that the petitioner is suffering from Bipolar Disorder, as would be deciphered from the documents Annexures P-2 and P-8.

On the other hand, the learned State counsel has vehemently disputed the aforesaid fact.

In view of the above, it would be appropriate to get the petitioner examined from Civil Hospital, Bathinda and the Jail Authorities shall ensure that the same is done within a period of three days from the date of receipt of a copy of this order.

A report in this regard be submitted on or before 22.07.2022.

The learned State Counsel has filed a reply dated 01.08.2022 by way of affidavit dated 01.08.2022 of Mr. Baldev Singh Kang, Superintendent Women Jail, Bathinda. Annexure R-1 with the reply is the report of the Board of Doctors constituted at Civil Hospital Bathinda. The said report Annexure R-1 is reproduced herein below:-

“ Medical status report of under trial Ravinderpal Kaur w/o

Dr. Mandeep Singh, R/o Bathinda.

It is submitted that above said Under-trial is known case of Bipolar Disorder. On 01/07/2022, on Psychiatrist visit to Womens Jail, Bathinda, she was examined and was prescribed psychiatry medicines, which were provided to her and started as per prescription. On 19/07/2022, she was referred to District Hospital, Bathinda for Psychiatrist consultation, and her medicines were provided to her and were started as per prescription. On 21/07/2022, she was again referred to District Hospital, Bathinda, for psychiatric consultation and after examination of psychiatrist there, she has been admitted in District Hospital, Bathinda. Today on Date 28.07.2022 she has been discharged from Civil Hospital Bathinda. The report of Medical Board constituted at Civil Hospital Bathinda Letter No.9654 Date 28.07.2022 in regard to above said patient is enclosed with this letter.

*Medical officer,
Jail Hospital,Bathinda*

To

*Senior Medical Officer,
Civil Hospital,
Bathinda.*

*Sub: Regarding Examination of Mrs. Ravinder Pal Kaur W/o Dr.
Mandeep Singh aged 55yrs/female C/o Central Jail, Bathinda.*

Respected Sir,

We the board of doctors has examined Mrs. Ravinder Pal Kaur W/o Dr. Mandeep Singh aged 55yrs/female C/o Central Jail, Bathinda. She has been admitted in Prisoner's ward in District Hospital Bathinda from 21/07/2022 (12:35 Pm) to 28/07/2022 (10:00 Am) with CR no. 7725. No reliable informant was present. As per record available, patient is a k/c/o Bipolar affective disorder. Lastly admitted in Auckland (NZ) in 2017 for manic episode following which she was discharged on medication. As per patient she was not taking the treatment regularly and was completely off medication till last month. Previously, she was examined by the board of doctors at Civil Hospital, Bathinda on dated 20/06/2022 on the directions of Hon'ble District Court Bathinda, at that time she presented with complaints of decreased need for sleep, irritability, suspicious towards neighbour, looked fearful and with poor insight of her illness following which she was put on treatment.

During the current admission, on general examination and blood investigations she has raised level of blood sugar, triglyceride and raised blood pressure for which she has been put on treatment by physician. And on serial Mental State Examination's she looks calm & composed, speech soft, mood settled & affect appropriate & congruent. No distortion in thinking & no perceptual disturbance was noted during the stay. She has satisfactory insight into her illness.

Based on the previous history, record, clinical assessment and current MSE board is of the opinion that she is suffering from Bipolar Affective Disorder along with Diabetes mellitus and Hypertension. Currently the patient is in remission with treatment, but she needs to

*continue her treatment & regular follow up in Psychiatry & Medicine
O.P.D.*

*Dr. Arun Bansal
MD Psychiatry
Civil Hospital
Bathinda*

*Dr. Gurinder Kaur
MD Medicine
Civil Hospital
Bathinda*

*Dr. Sharanjit Kaur
MD Psychiatry
Civil Hospital
Bathinda*

The Counsel for the State while referring to the reply has not disputed the factual position of the petitioner suffering from Bipolar Disorder, Diabetes and Hypertension.

The learned Counsel for the complainant on the other hand contends that strict conditions be imposed on the petitioner in case bail is to be granted to her on account of her illness.

I have heard learned Counsel for the parties at length.

Admittedly, the petitioner is ailing and is suffering from Bipolar Disorder and Schizophrenia from the year 2017 onwards. In view of her mental condition, it would be a matter of adjudication during the trial as to whether she had the necessary *mens rea* to commit the offence in question. The investigation in any case stands completed. The challan has been filed and none of the 12 prosecution witnesses have been examined. Therefore, the further incarceration of the petitioner is not required.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ravinder Pal Kaur** wife of Dr. Mandeep Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If the petitioner indulges in the commission of a similar offence for which she has been charged, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>