

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

CRM-M No.32345 of 2022 (O&M)

Date of Decision: 02.09.2022

Guljar Mohmmad

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Hamid Hussain, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana
for the respondent-State.

Mr. Brijendra Kaushik, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.151 dated 04.07.2022 registered at Police Station Raipur Rani, District Panchkula, under Sections 294, 295-A and 506 IPC, the petitioner has preferred the instant petition for seeking the relief of pre-arrest bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant Devinder Bajwa in the subject FIR, are that the petitioner had posted indecent, derogatory and threatening messages from his *face-book* account to his (informant's) *face-book* account and had, thereby, hurt the religious feelings of his Sect.

3. Status-report submitted on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, Panchkula, along-with Annexure R-1/1, is already available on the file and both these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner has been falsely got implicated in the instant case despite the fact that the parties had arrived at a compromise qua their dispute and even otherwise, the petitioner did not post any objectionable or indecent message from his *face-book* account to the *face-book* account of the informant and moreover, none of the offences, as invoked in the said FIR, is made out against the petitioner and in these circumstances, he deserves the relief as prayed for in this petition.

6. Per contra, learned State counsel has submitted the copies of the screen-shots of the messages, posted by the petitioner through his *face-book* account to the *face-book* account of the informant, in the Court today and he points out that the petitioner had used the derogatory language and had also threatened the workers of a particular Sect in said the messages and he argues that keeping in view the nature of the offence committed by him (petitioner), the present petition be dismissed.

7. As regards the compromise Annexure R-1/1 as stated to have been arrived at between the parties, the same is of no help to the petitioner

to seek the relief of pre-arrest bail, in view of the fact that it has categorically been mentioned therein that the petitioner had threatened the informant on the social media to kill him and had used un-parliamentary language for him.

8. Then, the factum, as to whether the offences invoked in the FIR are made out against the petitioner or not, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that would be led on the record during the course of the trial and the same cannot be ascertained at this stage while deciding the instant bail petition.

9. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed.

September 02, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>