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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-5714-2023
Date of decision :15.02.2023

SAM

... PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Simble, Advocate
for the petitioner(s).

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 102 dated 28.08.2022, registered under Sections 121-A, 124-A, 153-A, 120-B IPC and 66-(A), 66(F) of Information Technology Act 2000 at Police Station Navi Baradari Police, District Police Commissionerate Jalandhar, District Jalandhar.

Brief facts of the case that on 28.02.2022 a police party headed by Inspector Anil Kumar received a secret information to the effect that some mischievous elements have written a slogan namely "Khalistan Zindabad" on the statute of Sh. Beant Singh, Ex-Chief Minister, Punjab, which was covered with glass at BMC Chowk, Jalandhar and thereby intended to disturb the law and order in the State of Punjab. Gurpatwant Singh Pannu, who happens to be an exponent of 'Khalistan' intended to disturb the law and order of the State.

Based on these facts, the present FIR came to be registered.

During the course of the investigation, on 07.09.2022 accused Sam (petitioner), Raman @ Sonu and Lakhwinder Singh @ Lakha were arrested on the basis of secret information. They disclosed regarding the writing of the said slogan on the statute of Sh. Beant Singh. Accordingly, they were nominated as accused.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has no connection with the commission of the alleged offence. The petitioner belongs to the Christian Community and there was no

question of glorifying other religions. So far as the FIR registered at Shimla for similar allegations is concerned, his mobile phone location would establish that he has not been to Shimla. Since the petitioner was in custody since 07.09.2022, the investigation stands completed and none of the 22 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded in the near future and thus the petitioner was entitled to the grant of bail.

The learned counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner. He is involved in a similar case bearing FIR No. 221 dated 08.09.2022 Police Station Shimla West, Himachal Pradesh. Therefore, the criminal antecedents of the petitioner would not entitle him to the grant of bail. He however admits the custody period as also the stage of the trial.

I have heard counsels for the parties.

The veracity of the allegations against the petitioner shall be substantiated during the course of the trial. The petitioner is stated to be in custody since 07.09.2022. The investigation stands completed and none of the 22 prosecution witnesses have been examined so far. Since the trial of the case is not likely to be concluded any time soon the further incarceration of the petitioner is not required.

Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sam is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

(JASJIT SINGH BEDI)
JUDGE

15.02.2023

manoj

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No