

CRM-M-31165-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(221) CRM-M-31165-2023  
Date of decision:- 22.08.2023

Vicky Masih ... Petitioner  
Versus  
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lupil Gupta, Advocate  
for the petitioner.  
  
Mr. A.P.S.Tung, DAG, Punjab.  
for State-respondent.  
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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station                    | Sections                                                     |
|---------|------------|-----------------------------------|--------------------------------------------------------------|
| 0064    | 23.04.2023 | Sadar Faridkot, District Faridkot | 295-A, IPC (later on Sections 120-B and 201, IPC were added) |

2. Factual matrix leading to the filing of the petition is that FIR, Annexure P-1, has been registered on the statement of Gurmail Singh, a sixteen year old, stating that in the morning on 23.04.2023, when he was going to the Gurudwara Sahib, he found some papers scattered on the ground. He picked them up and upon checking found that they were pages torn from Gutka Sahib by some mischievous persons and thrown with an intention of insulting the holy book. He picked them up with respect,

brought them home and informed his family members, whereupon, it was decided to intimate the law enforcing agency.

3. Counsel for the petitioner has contended that the petitioner is neither named in the FIR nor there is any allegation against him. He submits that the petitioner is not connected with the incident and the entire prosecution story is based upon the self-incriminating confessional statement of the petitioner. He submits that the petitioner, who is in custody since 24.04.2023, deserves to be enlarged on bail as final report has been presented and charge has been framed against him. It has been submitted that the petitioner had filed two regular bail petitions before the Trial Court, which were dismissed by orders dated 18.05.2023 and 26.05.2023, Annexures P-3 and P-4, respectively.

4. Opposing the petition, State counsel, upon instructions, has argued that the petitioner is the owner and was driving the car, which was used in the crime. He submits that the other occupant of the car, namely, Rooplal had thrown the torn pages of the Gutka Sahib in public area and the petitioner along with the co-accused had acted in connivance, with an intention to cause public disturbance.

5. I have considered the respective submissions made by counsel for the parties.

6. Concededly, petitioner is working as a pastor in a local village and in his statement, he has admitted that he is in contact with one, Michal Johnson, from U.S.A., who sends him 200 USD dollars monthly. The perusal of his confessional statement, which has been read out by the State counsel, shows that the petitioner along with the co-accused had

deliberately torn pages from the Gutka Sahib in a planned manner with an intention to cause public disturbance. The car used in the crime belongs to the petitioner and some holy pages have been recovered from the vehicle. Even the mobile used for getting instructions from the foreigner has been recovered. During interrogation, petitioner and co-accused, have confessed that they had similarly torn the pages of the holy book and thrown them in a canal, though, no recovery was effected because of flowing water.

7. Keeping in view the totality of the facts and circumstances, nature of allegations and gravity of offence allegedly committed by the petitioner, which could have surcharged the village with tension culminating in lawlessness, this Court is not inclined to exercise its discretionary power and release the petitioner on bail.

8. Finding no merit in the petition, it is hereby dismissed.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

22.08.2023  
Kamal

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |