

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4642-2024
Decided on : 29.02.2024

Baltej Singh @ Bittu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.191 dated 12.11.2023 under Sections 295-A IPC registered at Police Station Nehianwala District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature. Learned counsel has submitted that the petitioner has now been in custody since 12.11.2023 in an apparent case of false implication. Learned counsel has further submitted that totally false allegations have been levelled in the FIR in question that the petitioner along with two other co-accused had hurt the religious feelings of the complainant by

placing shoes in an iron trunk in which some religious books had been placed alongside some torn pages of "Gutka Sahib" and a bottle of whisky was also found lying in the said room. Learned counsel has still further submitted that neither is there any eyewitness to the crime in question nor is there any documentary evidence much less in the form of CCTV footage, which could in any manner, link the petitioner with the crime in question. It has also been submitted that the petitioner does not reside inside the dera where the alleged offence was committed. Learned counsel has submitted that the petitioner, no doubt, frequents the dera but that is only for the recital of his prayers. Hence, it cannot be believed that he would have committed the crime in question. Learned counsel has further submitted that the investigation in the case at hand is complete as challan stands presented. A prayer has, therefore, been made that in the aforementioned facts and circumstances, the petitioner be enlarged on bail, more so, since the main accused Bakhtour Dass @ Bakhtour Singh has already been extended the concession of bail by the learned trial court vide order dated 23.01.2024 (Annexure P-1).

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the contention of the learned counsel for the petitioner that the investigation in the case in hand is complete and

challan stands presented. It has also not been disputed on instructions that the petitioner is not involved in any other criminal case. However, learned State counsel has reiterated the allegations levelled in the FIR that shoes were found lying in an iron trunk wherein some religious books and a bottle of whisky was also recovered inside the dera. Learned State counsel submits that on account of the acts of the petitioner and the co-accused, the religious feelings of a particular community had been hurt.

4. On a pointed query put to the learned State counsel as to whether there was any documentary evidence in support of the allegations levelled against the petitioner, he, on instructions, has informed the Court that no doubt, there was no documentary evidence in the form of CCTV footage, however, during investigation, the role of the petitioner and the co-accused had come to the fore. Learned State counsel has also not disputed that the prime accused in the case in hand is Bakhtour Dass @ Bakhtour Singh, who has been extended the concession of bail by the trial Court vide order dated 23.01.2024.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 12.11.2023; the investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are likely to be framed on the next date of hearing i.e. 06.03.2024.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No