

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-D-378-2023
Date of decision: 03.04.2024

Resham

... Appellant

Versus

State of Haryana

... Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. P.S. Dhaliwal, Advocate and
Mr. Vishal Sharda, Advocate for the appellant.

Mr. Rahul Dev Singh, Addl. A.G. Haryana.

Anupinder Singh Grewal, J. (Oral)

The appellant has impugned the order dated 23.01.2023 passed by the Additional Sessions Judge, Karnal, whereby his bail application under Section 439 Cr.P.C. in FIR No.414 dated 20.06.2022 under Sections 10, 13 and 18 of the Unlawful Activities (Prevention) Act, 1967 (for short ‘the UAPA’), Section 3 of the Prevention of Damage to Public Property Act, 1984 (for short ‘the PDPP Act’) and Sections 120-B/153-A of the Indian Penal Code, 1860 (for short ‘the IPC’) has been rejected.

2. Learned counsel for the appellant submits that the appellant was not named in the FIR which was registered, as objectionable slogans were painted on the walls of Dayal Singh College and DAV School at Karnal. He had been arraigned as an accused on the statement of one Manjeet Singh, who was an accused in FIR No.118 dated 27.06.2022 under Sections 153-A, 153-B, 120-B, 427 IPC and Section 13 and 18 of the UAPA registered at Police Station City Sangrur and was in custody of the Sangrur police. Thereafter, the appellant

was arrested in that case and had been involved in the instant case as well. No recovery of any incriminating substance has been effected from the appellant in the instant case. The appellant is in custody for a period of 01 year and 09 months.

3. Learned State counsel, on instructions from ASI Rajesh Kumar while referring to the reply filed by DSP, Karnal, submits that secessionist slogans had been painted on the walls of Dayal Singh College and DAV School at Karnal with black paint in Punjabi and English language. The appellant in his statement before the police had stated that he had been promised a sum of Rs.15,000/- for doing so and that he had made a video of the incident and sent it to other accused. He, therefore, submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

4. Heard.

5. It is manifest that the allegations against the appellant are that he had painted secessionist slogans on the walls of Dayal Singh College and DAV School at Karnal (Haryana). He was not named in the FIR but has been arraigned as an accused on the statement of co-accused in another case bearing FIR No.118 dated 27.06.2022 at Sangrur (Punjab). The appellant had also been arraigned as an accused in FIR No.118. Recovery of paint, clothes and mobile phone is stated to have been effected from the appellant in connection with the investigation in FIR No.118. In the instant case, no recovery whatsoever has been made from him as yet. No material has been brought before this Court to indicate that any monetary transactions had taken place and that the appellant had used a particular mobile phone for recording the incident and sending it to other accused. The appellant is already facing trial in FIR No.118 at Sangrur.

6. In the aforementioned facts and circumstances, the material against the

appellant is too scanty to justify his further incarceration despite stringent provisions of the UAPA. The appellant is in custody for 01 year and 09 months. The challan has been filed but charges are yet to be framed. The prosecution is stated to have cited 14 witnesses and, therefore, the conclusion of trial would take some time. We, therefore, deem it appropriate to allow the appeal and grant the concession of regular bail.

7. Consequently, the appeal is allowed. The impugned order dated 23.01.2023 passed by Additional Sessions Judge, Karnal is set aside. The appellant is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Judge concerned.

8. However, it is clarified that the observations made hereinbefore are only for purpose of deciding the application for regular bail and would not be construed to have any bearing on the merits of the case.

9. Pending application(s), if any, shall stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

April 03, 2024
kapil

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No