

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206 CRM-M-20718-2024
Date of decision: 18th October, 2024

Sourabh Setia ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manu Loona, Advocate for the petitioner.
Ms. Radhika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 138 dated 05.05.2023 registered under Sections 295-A, 298, 153-A, 506 and 34 of IPC at Police Station Sadar, Amritsar.

2. Briefly stated the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a written complaint filed by the complainant Gurmohanperet Singh, Advocate and Jugraj Singh, Chief Sewadar of United Sikh Students Federation alleging therein that the petitioner, co-accused Rahul and some other persons had used objectionable language against the Sikh community and tried to incite mob in order to disturb law and order situation in the State of Punjab by uploading videos on social media containing objectionable



substances relating to the sikh community. After registration of FIR, investigation proceedings were initiated. The petitioner and the co-accused Rahul were arrested. After completion of necessary investigation proceedings, challan was presented against them and they are facing trial for commission of offences punishable under Sections 298, 506, 295-A and 153-A of IPC. The accused Rahul Sharma has confessed to his guilt and has been held guilty and convicted. The present petitioner had moved an application for grant of regular bail, which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 10.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 23.03.2024. The petitioner had never used any derogatory words against the sikh community. Infact, it was co-accused Rahul Sharma who was the main accused. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. Learned State counsel has argued in terms thereof that there are serious allegations against the petitioner. There are chances of his intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have uttered words causing harm to sikh community with intention to wound religious feelings thereof. He is in custody since 23.03.2024. Investigation has since been completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offences and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |