

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on: 16.10.2024

1. CRM-M No.33349 of 2024

Charanjit @ Bittu @ Charanjit Bawa ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M No.34682 of 2024

Ram Rattan Bawa @ Ravi ...Petitioner

Versus

State of Punjab ...Respondent

3. CRM-M No.35445 of 2024

Ram @ Ram Ji Bawa @Ram Ji ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Puri, Advocate
for the petitioner(s).

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
120	20.06.2024	Lopoke, District Amritsar	295-A, 34 IPC

1. By this common order, these three petitions are being decided together as common question of law and facts are invariable.
2. The petitioner(s) apprehending arrest in the FIR captioned above has come up

before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. Per CRM-35717-2024 filed in the bail application and the reply/custody certificate, the petitioner namely Charanjit @ Bittu @ Charanjit Bawa has the following criminal antecedents, however other petitioners have clean antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	58	02.05.2018	Under sections 308, 356, 506 and 427 IPC	Lopoke, Amritsar (Rural)

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the brief and relevant facts of the case are that the aforesaid FIR No. 120 dated 20.06.2024 was registered on the basis of the complaint of Kushraj, General Manager, Bhagwan Valmiki Tirath Sthal, Ram Tirath, Amritsar alleging therein that the petitioner and co-accused Ram and Ravi had put water in 'Karah Parshad' lying on the counter constructed near the main gate and this incident was declared as sacrilege of Bhagwan Valmiki Tirath Sthal, Ram Tirath, Amritsar by Sant Samaj Dhoona Sahib Trust.”

5. The petitioner(s)' counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner(s) and their family.

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“Role of the petitioner

7. That as per the prosecution version, the petitioner after sharing a common intention with Ramji and Ravi had outraged the feelings of the complainant sect by throwing water in Karah Parshad at Bhagwan Valmiki Tirath Sthal, Ram Tirath, Amritsar on 19.06.2024.”

8. There is sufficient prima facie evidence connecting the petitioner(s) with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this

stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner(s) makes a case for bail.

10. Given above, provided the petitioner(s) is not required in any other case, the petitioner(s) shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner(s) shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner(s)' complying with the following terms.

13. The petitioner(s) is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner(s) shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner(s) shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner(s) shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any

Advocate for the Petitioner(s) can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.10.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.