

(219 & 304)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54601-2023
Date of Decision: 07.02.2024

ROOP LAL @ ROOP

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-5170-2024

VICKY MASIH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Stephen Masih, Advocate and
Mr. Japjit Singh Johal, Advocate
for the petitioner in CRM-M-54601-2023.

Mr. Akshay Chadha, Advocate
for the petitioner in CRM-M-5170-2024.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-54601-2023 titled as Roop Lal @ Roop Versus State of Punjab and CRM-M-5170-2024 titled as Vicky Masih Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-54601-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.64 dated 23.04.2023

registered under Section 295-A IPC, 1860 (Sections 120-B and 201 IPC, 1860 added later on) at Police Station Sadar Faridkot, District Faridkot.

3. The present FIR came to be registered at the instance of Gurmail Singh son of Bikkar Singh and the same reads as under:-

“Statement of Gurmail Singh son of Bikkar Singh son of Mangal Singh, resident of Bania patti Golewala, P.S. Sadar Faridkot, aged about 16 years Mobile No.75279-30646. Stated that I am resident of above said address and I am studying in 10th class and today at about 10:00 AM, I was going to Gurudwara Sahib from my house and when I took turn in front of floor mill, then, I found some papers lying scattered and I went there and seen the said papers after picking them up and on checking I found the same to be destructed parts of Guthka Sahib, which some mischievous persons had thrown while humiliating/ insulting 'Guthkha Sahib', which I picked up and with due honour brought to my house and stored on the specified place and I made discussion with my family members but my father was not at home. We made up our mind to inform the police about this and when I started from my house, then, I met respectable of our village, namely, Gurmeet Singh son of Gurdeep Singh, resident of Baja Patti, Gohlewala and narrated the entire things to him and taking him along was coming to you and you met us on the way. You have been told that some unknown persons have mischievously torn the parts of 'Guthka Sahib' and thrown it and by doing this have committed insult/humiliation of Guthka Sahib. Appropriate legal action may be initiated against those unknown persons. I have got recorded my statement with you. Heard, it is correct. Sd/- Gurmail Singh. Gurmail Singh aforesaid, attested Sd/- Gurmeet Singh, Gurmeet Singh son of Gurdeep Singh, resident of Baja Patti, Gohlewala.”

4. During the course of investigation, CCTV cameras of the vicinity were examined. In one of the footages, a Ritz Car bearing No.PB-04AE-0749 appeared in the area on 22.04.2023 at 6.51 PM and a person traveling in the same was seen throwing a few papers from the window of the said car. The footage further revealed that on 23.04.2023 at about 10.10 AM the complainant had appeared while collecting the said papers. Based upon the visuals of aforesaid Ritz Car, it was found to have been registered in the name of Vicky Masih (petitioner in CRM-M-5170-2024) son of Kukku Masih and he was nominated as an accused vide DDR No.20 dated 23.04.2023.

Vicky Masih was apprehended and disclosed the name of Roop Lal @ Roop Paster (petitioner in CRM-M-54601-2023) who had connived with him in the blasphemy of the Sri Gutka Sahib. As per the investigation, Vicky Masih was driving the car whereas Roop Lal @ Roop was sitting alongside and had been throwing the holly papers of the Sri Gutka Sahib from the window of the running car.

Vicky Masih got recovered a few fragmented parts of the Sri Gutka Sahib from his car, the car in question and a mobile phone.

Roop Lal @ Roop was nominated as an accused vide DDR No.12 dated 24.04.2023 and was apprehended.

During the course of interrogation of the petitioners and examination of other incriminating evidence, one Kulwant Masih alias Bhatti son of Hamid Masih was nominated as an accused vide DDR No.37 dated 22.05.2023.

5. The learned counsels for the petitioners contend that the petitioners had been falsely implicated in the present case. Neither of them were named in the FIR. The investigation had proceeded in a biased and partisan manner. As the petitioners were first-time offenders, in custody since 24.04.2023 and none of the 21 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

6. A status report dated 05.02.2024 by way of an affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Sub-Division Faridkot has been filed in CRM-M-54601-2023 on behalf of the State by the learned counsel for the State. The same are taken on record. While referring to the said reply, she contends that the investigation conducted so far clearly establishes the culpability of the petitioners. The nature of the allegations levelled against them did not entitle them to the grant of bail. She, however, concedes that the petitioners were first-time offenders, in custody since 24.04.2023 and that none of the 21 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for the parties.

8. The veracity of the prosecution case against the petitioners shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are first-time offenders, in custody since 24.04.2023 and that none of the 21 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
10. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.
11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.02.2024
JITESH

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