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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-14891-2025

Date of Decision: 24.03.2025

Sandeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek Kathuria, Advocate and
Mr. Rajat Verma, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.69 dated 27.10.2024 registered under Section 299 of BNS, 2023, at Police Station Nayagaon, District SAS Nagar.
2. The FIR in the present case was registered on the basis of the statement made by Nirmail Singh son of Maghi Singh and the same has been reproduced below:-

“Statement of Nirmail Singh son of Sh. Maghi Singh, resident of House No.0038 near Govt. Dispensary, Ward No.12, Nayagaon, SAS Nagar, aged 62 years, Mobile No.9872528357. Stated that I am residing at the above referred address and I am an agriculturist. Today when at about 10:30 a.m. I was present near Bru Sahib Gurdwara, Nayagaon then I received telephonic call from Mobile No. 70090-85062 from Rajinder Singh son of Harchand Singh, residing near Janta Model School, Adarsh Nagar,



Nayagaon that parts of Gutka Sahib of Sri Sukhmani Sahib were torn off and were scattered near Hotel Dayal, Adarsh Nagar, Ward No.13, Nayagaon. Alongwith Rajinder Singh on his motorcycle reached to me near Bru Sahib Gurdwara, Nayagaon where Rajinder Singh narrated me the entire episode about tearing off parts of Gutka Sahib of Sri Sukhmani Sahib. Thereafter, I alongwith Rajinder Singh on his motorcycle reached near Hotel Dayal, Adarsh Nagar, Ward No.13, Nayagaon where I alongwith Rajinder Singh saw the damaged parts of Gutka Sahib of Sri Sukhmani Sahib and collected the same. Rajinder Singh conducted the photography of this episode. The SHO and other senior officers also reached at the spot. By tearing off the parts of Gutka Sahib of Sri Sukhmani Sahib some unknown person or persons have disgraced my religious sentiments, therefore, appropriate legal action may please be taken against said unknown person or persons. I have got my statement recorded, heard it and same is correct. Sd/- Nirmal Singh.”

3. Learned counsel for the petitioner contends that the petitioner had no connection with the allegations levelled by the complainant in the present case. Even, the petitioner was not visible in the CCTV footage, which was collected by the police during the course of investigation. He further contends that the petitioner himself belongs to Sikh Community and has high regards for the Holy Book and cannot even think of tearing the pages of any Holy Book. He further contends that all the offences in the present case are triable by the Court of Magistrate and the maximum sentence prescribed is three years. Moreover, the petitioner was arrested on 27.10.2024 and is in custody since then.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. The petitioner is stated to be in custody for the last about 05 months. Moreover, he was not named in the FIR and during the course of investigation, he has been arrayed as an accused in the present case. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(N.S.SHEKHAWAT)
JUDGE

24.03.2025

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