

2026:PHHC:060572



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19701 of 2026

Mohd. Sabar @ Sabar Khan ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	20.04.2026
2.	The date when the judgment is pronounced	22.04.2026
3.	The date when the judgment is uploaded on the website	22.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Jaswal, Advocate and
Ms. Meenakshi, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short



“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Section
321	29.12.2025	City-1 Malerkotla, District Malerkotla	299 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Muhammad Sadiq alleging therein that on 29.12.2025, he received a call from his acquaintance Muhammad Naseem Akhtar informing that the petitioner who is son-in-law of the complainant had taken two copies of religious book Quran and kept the same in a bag, with the intention to desecrate it and thereafter he had torn the pages of those religious books and threw the same in the parking lot of Government hospital Malerkotla. On hearing so, the complainant rushed to the spot and picked up the torn pages of Quran and handed the same over to one Mubeen Farooqui. By alleging that the petitioner had hurt his religious sentiments, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 30.12.2025 and is in custody since then. Investigation qua him stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, he is suffering from psychiatric disorder and had been undergoing treatment from PGI Sangrur. The alleged act, if at all committed, was a consequence of his mental condition and was not deliberate and intentional. The ingredients for commission of subject

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offence are not attracted against him. He is in custody since long. Investigation and trial will take time to conclude. No useful purpose would be served by detaining him in custody any more. His antecedents are clean. It is, therefore, argued that the petition deserves to be allowed.

5. Learned Assistant Advocate General, Punjab, on the other hand has argued that taking into consideration the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have torn of the pages of Holy Book Quran thereby hurting the religious sentiments of the complainant and members of his community. The petitioner has placed on record copies of some OPD slips showing that he had been undergoing some treatment from different hospitals including Neuropsychiatry Centre. The petitioner is in custody for a period of more than 03 months and 22 days. His continued detention is not going to serve any useful purpose. He is not required for further investigation. The trial will obviously take time to conclude. The subject offence is triable by Magistrate. The well settled proposition of law is that bail is the rule and jail is an exception. Pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Taking into consideration the above discussed facts, a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to



the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.04.2026
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(MANISHA BATRA)
JUDGE

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