

2026.PHHQ:083142



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-25092-2026

Date of decision: May 26, 2026

MUKHTIAR SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Satjot Singh Chahal, Assistant Advocate General, Punjab.

Mr. Prateek Gupta, Advocate with
Mr. Abhishai A. George, Advocate and
Mr. Archit Garg, Advocate
for the complainant.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking regular bail in case FIR no.25 dated 14.02.2026, registered under Sections 115(2), 126(2), 190, 299 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Moonak, District Sangrur.

2. As per the allegations levelled in the FIR, the complainant went to *Baba Mandi Wala Naugaja Peer* to pay homage. The petitioner along with co-accused Satpal Singh was also present there. Satpal Singh is accused of encroaching upon a shop belonging to Baba Peer Committee and not depositing the rent also. The petitioner is presently Municipal Councillor of the area. Satpal Singh had an apprehension that the Committee might get the shop demolished to establish a big gate in the memory of Baba Peer; “*Due to this reason, the petitioner allegedly concocted some audio recording in his voice,*

giving objectionable comments regarding Baba Peer Committee and some other organizations of town and put the same viral in all groups of Moonak city from his mobile no.9872272019.” It is also alleged that at around 4:30 p.m., the petitioner along with co-accused Satpal Singh and six to seven unidentified persons came to a meeting of the Committee and started using filthy language which deeply hurt the complainant’s religious sentiments as well as those of other members of the Committee. The complainant was surrounded and caught hold of by those unidentified people, and the petitioner gave heavy blows on his chest and also gave leg blows to his abdomen. Resultantly, he collapsed on ground and received injuries on his right thigh.

3. Learned counsel contended that all the offences alleged against the petitioner are bailable except the one under Section 299 BNS, which is not even *prima facie* attracted as there are no allegations that he hurt any religious beliefs of any class of citizens. Besides, the petitioner has been in custody since 08.04.2026, and co-accused Satpal Singh has already been released on bail vide order dated 12.03.2026, Annexure P-3.

4. Affidavit dated 25.05.2026 of the complainant along with its enclosures is taken on record.

5. Learned State counsel as well as learned counsel for the complainant submit that the petitioner’s conduct is questionable which disentitles him to grant of bail. In this regard, they have referred to the order dated 05.03.2026 passed by learned Additional Sessions Judge, Annexure A-4, whereby his pre-arrest bail in the case was declined due to violation of conditions of interim bail. While on interim bail, he again circulated a video threatening the complainant party and provoking general public to come for

dharna before the police station for pressurising the police for cancellation of FIR, etc. On this ground, his pre-arrest bail was dismissed by this Court as well vide order dated 12.03.2026, against which the SLP was also dismissed by the Supreme Court on 02.04.2026. It is also contended that there are about fourteen other cases registered against the petitioner; however, it is not disputed that in all those cases the petitioner has already been acquitted, except in FIR no.16 dated 01.02.2022, registered under Sections 148, 149, 323, 379-B, 452 and 506 of the Indian Penal Code, 1860, at Police Station Moonak. It is further submitted that the reason for acquittal in those cases is that most of the witnesses have turned hostile. The trial of the case, FIR no.16, is going on and non-bailable warrants have been issued for production of one of the witnesses, PW Ajay Kumar, for tomorrow, i.e., 27.05.2026. The said Ajay Kumar was a witness in other cases as well; in one such case registered against the petitioner, FIR No. 98 dated 01.10.2018, under Sections 201, 323, 341 read with Section 34 of IPC, he did not appear for cross-examination, leading to acquittal of the former. It is also contended that investigation in the case is going on and the final report has still not been presented. In support of the contentions, they have relied upon the law laid down by the Supreme Court in *Ashok Dhankad v. State of NCT of Delhi and another*, 2025 SCC OnLine SC 1690, and *Anil Kumar Yadav v. State of (NCT) of Delhi*, 2017 AIR SC 5398.

6. Submissions made by learned counsel for the parties have been considered.

7. The petitioner is accused of commission of offences under Sections 115(2), 126(2), 190, 299 and 351(2) of BNS, of which the only non-bailable offence is under Section 299, corresponding to Section 295A IPC. To

attract the provisions of this Section, there has to be material indicating that the accused has with deliberate and malicious intent of outraging religious feelings of any class of citizens by words, signs or by visual representation, insulted or attempted to insult religion or religious beliefs of that person. Looking at the allegations against the petitioner, he is accused of using filthy language and circulating a video containing objectionable comments against Baba Peer Committee, which cannot be equated to any known religion. Thus, the petitioner cannot be accused of insulting or attempting to insult religious beliefs of any class of citizens. Besides, the offences alleged are triable by Magistrate, prescribing maximum sentence upto three years. Also, allegations regarding the petitioner's conduct while he was on interim bail, would have no bearing so far as grant of regular bail to him is concerned, as on that basis his pre-arrest bail already stood cancelled. Still further, his involvement in other cases can also not be a ground to decline him bail in the instant case, which is to be decided on its own facts.

8. The judgments relied upon by learned counsel for the respondents have no application to the facts of this case, *Anil Kumar Yadav* case (*supra*) pertains to cancellation of bail in the face of material on record *prima facie* indicating involvement of the accused, to ensure fair trial. And in *Ashok Dhankad* case (*supra*) also the order granting bail was set aside as it had been passed without considering seriousness of allegations pertaining to heinous offences, and the accused's absconding conduct during investigation. In the instant case, trial is still to commence, the offences alleged are not heinous, nor has the petitioner any absconding history.

9. Accordingly, the petition is allowed and petitioner is directed to be released on regular bail subject to satisfaction of the trial Court/Duty Magistrate concerned, provided his custody is not required in any other case.

10. The observations made herein are only for adjudicating this petition and will have no bearing on the trial proceedings.

May 26, 2026
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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