

(227)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6514-2023
Date of Decision: 13.02.2023

KRISHAN DEV DUBEY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.19 dated 23.01.2023 registered under Section 295-A IPC at Police Station Cantt. Jalandhar, District Police Commissionerate, Jalandhar.

2. The brief facts of the case are that one Rishabh Khalsa son of Talwinder stated that on 23.01.2023 one Krishan Dev Dubey (petitioner) was talking in a loud voice to his Security Guard telling him that Lord Valmiki Ji was a dacoit and a thief. He (complainant) was standing nearby and belonging to the Valmiki community, his sentiments were hurt.

Based on the allegation, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of Section 41A of the Cr.P.C. In fact, reading the FIR, no offence under Section

295-A IPC was made out. Since the petitioner was the age of 65 years and was in custody since 23.01.2022. He was entitled to the grant of regular bail.

4. On the other hand, the learned State counsel does not dispute the factual position but contends that the serious nature of the allegations did not entitle the petitioner to the grant of regular bail.

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

6. The veracity of the allegations levelled against the petitioner shall be established during the course of Trial. Admittedly, the petitioner is 65 years of age, he is a first-time offender and has been in custody since 23.01.2022. Therefore, his further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Krishan Dev Dubey son of Satyanaryan is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.02.2023

JITESH

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