

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-17086-2021 (O & M)
Date of Decision: October 28, 2021

GURPREET SINGH AND OTHERS

....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Amit Arora, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Vikas Gupta, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.10 dated 19.02.2021, under Sections 323, 341, 506, 148 IPC (offences under Sections 295-A and 149 IPC and Section 66-E of the Information Technology Act, 2000 added later on), registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner contends that aforementioned sections are bailable and prima facie case under Section 295-A would not be made out inasmuch as DSP in the inquiry has stated that the allegations of hurting the religious feelings of the complainant are not made out. There is a delay of 01 year and 05 months in registering the FIR.

Learned counsel for the complainant contends that the complainant had filed a petition under Section 482 Cr.P.C. bearing CRM-M-7883-2021 and CD of the incident had also been attached. After issuance of notice in that case, the instant FIR has been registered. The complainant had earlier made several representations and complaints to the police but no action was taken thereon.

He also contends that the turban of the complainant, who is 65 years of age, had been removed he was repeatedly beaten up and abused. The incident was video recorded and uploaded on facebook. The CD of the incident has also been placed on record.

Heard.

It is manifest that that the complainant is 65 years old elderly person. His turban had been taken off and he had been repeatedly beaten up. The petitioner and other accused had video-graphed him without the turban when he was bleeding and the same had been uploaded on the facebook. The turban is an essential religious symbol and photographing of an elderly person in an injured condition without the turban and uploading it for public viewing on a social platform would prima facie amount to hurting the religious feelings. Therefore, I do not agree with the contention of the learned counsel for the petitioner that a prima facie case under Section 295-A IPC is not made out.

In view of the serious allegations against the petitioner, I do not intend to grant the concession of anticipatory bail.

The petition is dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

October 28, 2021
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No