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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 16.08.2023

Khyali Ram.....*Petitioner**Versus**State of Punjab*.....*Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

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Present: Mr. Manjot Singh Gujral, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 147 dated 29.09.2022, registered under Sections 295, 295-A of the Indian Penal Code, at Police Station Rajasansi, District Amritsar (Annexure P1).

It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the allegations of the prosecution, the petitioner is alleged to have spoken some derogatory words against Maharishi Valmiki in a press conference. However, although the petitioner addressed some media persons, but the utterances were only to highlight the personality and aura of Maharishi Valmiki and not with any intention to down-grade his entity. Otherwise also, the alleged utterances are stated to have been made in the Sri Gagananagar, Rajasthan. Even in the State of Rajasthan, a case was lodged against the petitioner. However,

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the said authority has cancelled the said FIR. The State of Punjab, it does not have even the jurisdiction to entertain the complaint. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General Punjab accepts the notice on behalf of the respondent - State.

Counsel for the State, on instructions from ASI Subhash Chander, has submitted that the police had received information that the petitioner had attempted to hurt the religious feelings of a particular community. Therefore, the FIR in question has rightly been registered against the petitioner. However, it is not disputed that there is no other case against the petitioner, and that, the said utterances were made in the State of Rajasthan.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 16, 2023

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