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214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23524-2021
DECIDED ON: 3rd AUGUST, 2021

DALBIR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

AND

CRM-M-23543-2021

DALBIR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Randeep Surjewala, Advocate with
Mr. R.Kartikeya, Advocate for the petitioner(s).

Mr. Deepak Sabherwal, Addl. AG, Haryana.

AVNEESH JHINGAN, J (ORAL)

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

Main petitions

[2] These two petitions are filed by Dalbir seeking regular bail in FIR No. 53, dated 22nd February, 2017, under Section 124-A, 153-A of the Indian Penal Code, 1860 (hereinafter referred to IPC) (Sections 294, 504,

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500, 506, 505(1) IPC added later on) and FIR No. 208, dated 24th May, 2021, under Sections 294, 504, 500, 506 and 505(1) IPC respectively registered at Police Station Sadar Jind, Jind.

[3] The issue involved in both the FIRs is that petitioner had given speeches which according to the State had objectionable contents with regard to the present Chief Minister, Haryana and could have resulted to caste based division creating a threat to the peace and harmony.

[4] Petitioner was arrested in both the FIRs, now challan stands presented.

[5] Replies filed in both the petitions are taken on record.

[6] The apprehension in the reply is that the petitioner was arrested with a great difficulty and there is every chance of his absconding.

[7] Learned counsel for the petitioner submits that it is a case of false implication. The petitioner was only exercising his fundamental right to protest. Petitioner has right to criticise the functioning of the State.

[8] Contention is that to meet the apprehension of the State, petitioner is ready to furnish surety of ₹2 Lakhs each in both the FIRs.

[9] Learned State counsel submits that petitioner if enlarged on bail, would indulge in similar activities and will create a Law and Order problem.

[10] While dealing with the petitions for grant of regular bail, this Court has no occasion to consider the merits of the allegations in detail. Suffice to say that freedom of speech is a fundamental right and makes a foundation for a strong democracy. At this stage must hasten to add that embargo to freedom of speech is prescribed in Article 19 of

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the Constitution of India itself.

[11] The nature of contents of the speeches would be subject matter of trial as to whether it was lawful protest against the policies and working of the Government or had a different goal and intention.

[12] Be that as it may, the investigation in both the cases is complete. Conclusion of trial is likely to take time. On mere apprehension that bail will be misused, it would not be appropriate to deny petitioner of his personal liberty. The petitioner is granted bail, subject to furnishing surety/bail bonds to the tune of ₹2 Lakhs each in both the FIRs before the Chief Judicial Magistrate/Duty Magistrate concerned.

[13] Both the petitions are allowed.

[14] Needless to say that in case there is a misuse of bail granted to the petitioner, State would always be at liberty to apply for cancellation of the bail order.

[15] A copy of this order be placed on the file of another connected petition.

(AVNEESH JHINGAN)
JUDGE

3rd AUGUST, 2021
sham

Whether speaking/reasoned Yes
Whether reportable Yes