

HRSI010049062021



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Presented on : 22-07-2021
Registered on : 22-07-2021
Decided on : 22-07-2021
Duration : 0 years, 0 months, 0 days

**IN THE COURT OF RAJESH MALHOTRA, SESSIONS JUDGE,
SESSIONS COURTS, SIRSA. (UID No.HR0059)**

CIS No.: BA/1690 of 2021.

1. Sahab Singh son of Shri Gurvinder Singh, aged about 20 years, resident of Khairpur, Tehsil & District Sirsa.
2. Daljit Singh son of Mahender Singh, aged about 32 years, resident of village Ranga, Tehsil Kalanwali, District Sirsa.
3. Balkar Singh son of Shri Lakhveer Singh, aged about 25 years, resident of village Faggu, Tehsil & District Sirsa.
4. Mitta Singh alias Nikka Singh son of Sahab Singh, aged about 44 years, resident of village Faggu, Tehsil & District Sirsa.
5. Balkaur Singh son of Hrgobind Singh, aged about 43 years, resident of village Faggu, Tehsil & District Sirsa.

....Applicants-accused.

Versus

State of Haryana through Public Prosecutor/Station House Officer, P.S. Civil Lines, Sirsa.

....Respondent.

FIR No.204 dated 11.07.2021
Under Sections: 147, 148, 341, 323,
332, 353, 307, 427, 124-A, 186, 120-B
read with Section 149 IPC.
Police Station: Civil Line, Sirsa.

**Application for regular bail under
Section 439 Cr.P.C.**

Present: Shri Ashwani Phohgat, Advocate for applicants.
Shri Deepak Kumar, Legha, Public Prosecutor for State along
with SI Ram Niwas, SHO, P.S. Civil Line, Sirsa & ASI
Vijender.

ORDER

Report filed by Investigating Officer perused. Arguments heard.

2. The present FIR is lodged by Shri Sushil Kumar, Duty

Magistrate-cum-District Welfare Officer, Sirsa, wherein it is stated that as under:

“Today on 11.07.2021, a training camp of BJP Workers was organized at Choudhary Devi Lal University, Sirsa. Shri Ranbir Singh Gangwa, Hon’ble Speaker, Haryana Government was presiding over the said function. Many farmers were protesting against the same at gate no.1, 2 & 3 of Chaudhary Devi Lal University. In this regard, farmers and other organizations have already conveyed the message on social media etc. that they will not allow the said programe in the university at any cost. Today at about 8:00 AM, farmers (anti social elements) were protesting against the said function and were repeatedly trying to jump the wall of the university towards the site of the programe. They were repeatedly advised and taken out of the university premises, but all the farmers were aggressive and were agitating to go to any extent. Deputy Commissioner, Sirsa deputed me at gate no.2 of Chaudhary Devi Lal University as Duty Magistrate. Shri Sanjay Kumar, DSP, Sirsa, Shri Vikram Singh, SHO, Civil Line, Sirsa and other police officers were deputed at gate no.2. 90/100 farmers were aggressively protesting under the leadership of Harcharan Singh Panjuana and Prahlad Singh Bharukhera. They were repeatedly advised to cool down and police was preparing videography in this regard. At about 4:00 PM, 90/100 unknown anti-social persons in pursuance to conspiracy under the leadership of Harcharan Singh Panjuana & Prahlad Singh Bharukhera tried to enter Chaudhary Devi Lal University after breaking the barricades at gate no.2. I along with other police officers & officials were trying to pacify them. In the

meantime, vehicle of Shri Ranbir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Government came out of gate no.2 and protesters intercepted the said vehicle and raised slogans to overthrow the Govt. and eliminate the ministers and Govt. cannot do anything against them. Thereafter, the protesters raised slogans against the Govt. and attacked the vehicle Fortuner bearing registration no.HR75-A/0001 of Shri Ranbir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Government with 'Dandas' of their flag and stones. When the police officers and officials tried to restrain them, the protesters attacked the police officials and also tried to damage their vehicles with 'Dandas' and stones and damaged the vehicle of Shri Ranbir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Government. Many police officials also sustained injuries in the said incident. I and other officers tried to advise and restrain the anti-social elements, but they declined to restrain themselves and stopped the passage and raised slogan against the Government. 90/100 anti-social elements committed the crime against the State by attacking upon Govt. officials/ public servants for their lives and by damaging the Govt. property. On the basis of said complaint, FIR under Sections 120-B, 124-A, 147, 148, 149, 186, 307, 323, 332, 341, 353, 427 IPC was registered against Harcharan Singh Panjuana and Prahlad Singh Bharukhera and 90/100 unknown protesters."

3. During the arguments, Ld. Public Prosecutor for State strongly opposed the application for regular bail on the ground that present applicants along with other unknown persons committed the heinous offence of Sedition against the State Govt. and also made an attempt to eliminate Shri

Ranbir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Government by throwing stones and thereby caused injuries to many police officials and damaged official car of Shri Ranbir Singh Gangwa. He further submitted that even though the present applicants are not named in the FIR, but they are clearly visible in the various videos. He further contended that Shri Harcharan Singh Panjuana and Prahlad Singh Bharukhera are absconding and hence, present bail application may kindly be dismissed.

4. On the other hand, Ld. Counsel for applicants submitted that they are falsely implicated in the present case. They are not named as culprits in the alleged complaint. He further pointed out that from bare perusal of complaint, it is clear that State Government and State machinery were aware about the farmers protest and the warning that they will not allow any political function in the university, but even then Ranbvir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Government visited the university to incite the feelings of protesting farmers, which led to said incident. He further argued that admittedly the protesters were not carrying any arms to harm any person, but the situation turned volatile due to some miscreants for hurting the feelings of farmers by Shri Ranbir Singh Gangwa, Hon'ble Deputy Speaker, Haryana Govt., who was presiding over the BJP camp of workers in Chaudhary Devi Lal University. He further stressed that any educational institution cannot be used to propagate political agenda, as the same are education institutions are sacred & secular. Ld. Counsel for the applicant further submitted that there is nothing on record that the present applicants ever participated in the protest or hurled tones as alleged. He

further argued that even otherwise, the case of sedition is not attracted in the present case as there is nothing on record that said incident could have led to overthrow of the State Govt, but Section 124-A IPC is added to increase the gravity of the alleged offence. He further pointed out that even otherwise Section 124-A IPC is vague & arbitrary as it gives discretionary power to the Court to impose fine, or sentence up to three years with or without fine, or with life imprisonment with or without fine. Accordingly, he pointed out that this particular section is vague & ambiguous regarding sentence and it cannot be invoked in every situation without there being any reasonable threat to the State Government. He further contended that protest and general public opinion against the working of State Government and State machinery does not attract Section 124-A IPC in any manner. He further argued that even Section 307 IPC is not attracted in the present case as from the facts of the case, there is nothing to presume that throwing of stones on a vehicle is so imminently dangerous that it must, in all probability to cause death or such bodily injury as it will likely to cause death and accordingly, he stressed that at the most, Section 308 IPC is attracted in the present case. He further contended that two leaders who had organized the protest are absconding is no ground to dismiss the present bail application as their arrest is likely to take time as they have no control over them. Prayer was accordingly made to enlarge the applicants on bail.

5. After hearing rival contentions, I have given my thoughtful consideration to the same. The commission of offence of Sedition under Section 124-A IPC in the present case is doubtful as pointed out by Ld.

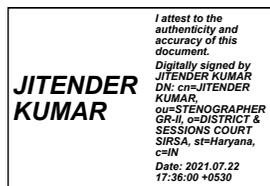
Counsel for the applicants in the preceding para. I am satisfied with the contention of Ld. Counsel for the applicants that at the most offence under Section 308 IPC is attracted in the present case. The applicants are not named in the complaint. The fact that two leaders who had organized the protest are absconding is no ground to dismiss the present bail application as their arrest is likely to take time as they have no control over them. Hence, in the facts & circumstances of the present case, applicants are permitted to be enlarged on bail on furnishing their personal bonds in the sum of Rs.50,000/- each with one surety in the like amount each to the satisfaction of this Court. Papers be tagged with the remand papers.

ALLOWED.

Announced in open Court
Dated: 22.07.2021.

Rajesh Malhotra,
Sessions Judge,
Sirsa.
(UID No.HR0059)

Jitender Kumar,
Executive Assistant.



NOTE: All pages are checked and signed by me.

Rajesh Malhotra,
Sessions Judge,
Sirsa. (UID No.HR0059)