

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

Crl. Misc. No.M-19376 of 2020
DATE OF DECISION: October 30, 2020

JASBIR @ JASVIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 84 dated 14.04.2020 registered at Police Station Tanda, District Hoshiarpur, under Sections 115, 124-A, 153-A, 505 (2), 295, 188, 269, 270, 271, 506 IPC, Section 3 of the Epidemic Diseases Act, 1897 and Section 54 of Disaster Management Act, 2005.

According to the allegations in the FIR, the petitioner went live on Facebook and made statements against the unity and integrity of the Nation. His statements were also aimed at causing communal disaffection. Thus, the aforementioned FIR was registered *inter alia* for the offences of sedition, hurting religious sentiments and causing communal disaffection.

Learned counsel for the petitioner submits that the petitioner has been in custody for over six months now. Challan was presented on 09.07.2020 but charges have yet not been framed as committal order has not

Crl. Misc. No.M-19376 of 2020

--2--

been passed. Thus, the trial is not likely to be concluded at an early date. There is no other criminal case pending against the petitioner. Further, an examination of the utterances made by the petitioner shows that the offences of sedition and inciting communal disaffection are not attracted. Thus, the petitioner may be granted regular bail.

Custody certificate dated 29.10.2020 has been produced in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 06 months and 14 days and there is no other criminal case pending/decided against him.

Learned State counsel has circulated a transcript of the Compact Disc prepared from the live performance of the petitioner on Facebook and I have gone through the same.

It appears that the petitioner was unhappy with the lock down imposed due to the Corona Virus and the way the pandemic was being handled by the Government of India as well as the Punjab Government. Thus, he has criticized the functioning of the said Governments. Definitely, intemperate and abusive language has been used against high officials of the Governments as well as against the elected representatives, but the same does not amount to exciting disaffection towards the Government established by law or to excite hatred against it. It also does not amount to inciting religious disaffection or disruption of communal harmony. It is an expression of dissatisfaction with the functioning of the Government and criticism of its policies. In a democracy every citizen has a right to voice his/her opinion freely and criticize the functioning of the Government. However, the same should be done in a decent manner and un-parliamentary

Crl. Misc. No.M-19376 of 2020

--3--

language should not be adopted. At the same time, the State needs to be more tolerant and circumspect while invoking laws pertaining to sedition and religious disaffection. Current tendency to the contrary has been frowned upon by the Supreme Court of India.

The petitioner has been in custody for 06 months and 14 days and the trial is not likely to be concluded at an early date. There is no other criminal case pending against him and thus, I deem it appropriate to grant him regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Nothing stated herein above shall be construed to be an expression of opinion on the merits of the case.

October 30, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No