

File No:420/M

CNR.No.JKKGO10005062021

Date of Inst: 23.06.2021

Pronounced: 02.07.2021

Name of Petitioner/Accused:

Ghulam. Jeelani Rather
S/O: Mohd Abdullah Rather
R/O: Ashmuji
Tehsil and District Kulgam.

Through:

Mr. Arshad Baba, Ld. Counsel present through
Virtual Mode.

Versus

Name of Complainant/Respondent

UT of J&K through
Station House Officer
Police Station D.H.Pora
FIR.NO.52 of 2021
Offences under sections 188,269,353 IPC

Through

Mr. Aijaz Ahmad Najar, ld. PP for UT of J&K.

In the matter of:- Petition under section 438 code of Criminal Procedure, 1973 for grant of bail in anticipation of arrest in favour of the petitioner.

CORAM

Tahir Khurshid Raina

O R D E R
(Virtual Mode)

1. Accused/Applicant filed a petition in this Court seeking anticipatory bail on the ground that some false and frivolous complaint has been lodged against him. It is averred that the respondent/police wants to malign the image of the

petitioner by taking him into custody. That the petitioner is having great respect and esteem in the society. That he apprehends his arrest on the basis of said false complaint. Hence prayed for anticipatory bail.

2. On presentation of the same, the Court granted interim anticipatory bail applicable to the offences which are punishable up to 05 years imprisonment. Also called for the report from the concerned Police Station which was filed on 30.06.2021. After perusal of the report, a direction for production of C.D. file was given. Same was produced and perused on 01.06.2021. On the same day, the counsels for both sides were heard and petition was reserved for orders.

3. Head and considered.

4. The facts of the case as reflected from the case diary is that on 21.06.2021, Tehsildar Kulgam lodged a written complaint at Police Station Kulgam, stating therein that on 21.06.2021, a Revenue team headed by Assistant Commissioner Revenue Kulgam, proceeded to Ashmuji for Covid-19, vaccination drive at Government Higher Secondary School Ashmuji. When the revenue team along with the medical team reached on spot, the petitioner made hue and cry, instigated and provoked local inhabitants there against

the team and halted the vaccination drive. The petitioner assembled a large crowd there against them, diverted the vaccination drive towards other unnecessary issues in order to restrain the general public from vaccination.

5. On the basis of this report lodged by the complainant, an FIR bearing No.147 of year 2021 got registered with Police Station, Kulgam against the accused for commission of offences under section 188, 269, 353 IPC.
6. Perusal of CD file further reveals that pursuant to complaint lodged by the complainant, the statement of the Assistant Commissioner Revenue namely Shakeel Ahmad Ganie, Naib-Tehsildar Ashmuji namely Mashooq Ahmad, Patwari Halqa Ashmuji namely Mohammad Amin and patwari Halqa Amnoo namely Hilal-ur-Rehman, who all are responsible officers/officials have been recorded u/s 161 of Cr.P.C. They all have supported the contents of the complaint lodged by the complainant against the petitioner and how his hate campaign against vaccination obstructed the vaccination drive conducted by the Govt. official team by spreading disinformation against the ongoing vaccination at village Ashmuji on 21.06.2021. Petition also used filthy language

against the team members who were on the spot in connection with the vaccination drive.

7. Covid-19 pandemic is an unprecedented in the human history which has crippled the whole world, resulted into colossal irreparable human loss. Our experts in the medical field acted as front warriors to save the humanity and at the same time played an exemplary role in preparing a vaccine to act as a shield against the attack of the virus. Same when got approved by World Health Organization (WHO), was put into use for vaccination of the people at large in the world. Presently, a global vaccination drive is going on to save the humanity of the threat of the pandemic.
8. ***As rightly opined by WHO “but it’s not vaccines that will stop the pandemic, its vaccination”. It is further said “safe and effective vaccines are a game – changing tool; but for the foreseeable future we must continue wearing masks, cleaning our hands, ensuring good ventilation indoors, physically distancing and avoiding crowds.”***
9. It is very unfortunate that while on one hand, the govt. is making painstaking efforts to ensure the safety of the people against the deadly virus by vaccination drives, the rumour

mongers like the petitioner are acting as stumbling block in this lofty endeavor of the government. By spreading rumors and disinformation campaign against the vaccination, the petitioner and their ilk are creating lot of fear psychosis and confusion among the general public about the vaccination. Such unsubstantiated and profane act of the petitioner is not only grossly illegal but amounts to pushing the life of the people in peril, who, if not get promptly vaccinated, may fall prey to the deadly virus. Let's not forget the melancholic situation our country faced very recently, on account of second wave of the pandemic, which consumed lacs of precious human lives. And as per the experts, there is every likelihood of third wave which can be more fatal as compared to second wave. And to avoid its fatal impact the only remedy available and suggested by the experts is to get more and more people vaccinated.

10. At the same time, it has been witnessed in print and social media that at various places the health workers have to face stiff resistance from the people during vaccination drive and even have been subjected to assault at same places. This is all because of myths, rumors and canard being spread by the people like the petitioner herein and on account of it the

people, especially living in the rural areas are getting skeptical and cynical about vaccination. It amounts to putting the large chunk of people in jeopardy and at the same time to defeat the govt. in its drive of achieving the target of fully vaccinated country and finally to save the countrymen of the brutal effect of any further wave of the pandemic.

11. In the instant case, the responsible officers of the level of Assistant Commissioner Revenue and Tehsildar was leading the vaccination drive which was blocked by the detestable and illegal act of the petitioner. By extending anticipatory bail to him after perusal of the C.D file means to put premium on his criminality.
12. It is said and I quote “**Rumors are carried by haters, spread by fools and accepted by idiots**”. Let a message travels in the length and breadth of our society at large that no such unbecoming and illegal attempt of rumor mongers will be tolerated who are creating a hurdle in the way of vaccination drive. They will be dealt strenuously under law. Moreso, such haters do not deserve concession of anticipatory bail, rather their free movement and free speech is a threat to the society at large which requires to be

circumscribed in accordance with the law for the general good of the society. Accordingly, no further extension in interim bail is granted to the petitioner and his bail application stands dismissed.

13. I.O is directed to proceed in the matter in accordance with the law. CD file is returned to Ld. PP of the Court.

14. Be consigned to records after its due compilation.

Announced

02.07.2021

"G.R.Mir"

***Pr. Sessions Judge,
Kulgam.***