

**In the Court of Rajesh Kumar,
Additional Sessions Judge, Amritsar**

CNR No. PBAS010094242023



Case No. BA/3068/2023

Presented on : 30-05-2023
Registered on : 31-05-2023
Decided on : 08-06-2023

S T A T E

Versus.

Rahul Sharma s/o Nand Kishore Sharma, r/o 3/4, Gali no.3, Ganda Singh
Wala, Majitha Road, Amritsar.

.....Accused.

**FIR No.138 dated 05.05.2023.
U/Ss. 295-A, 298, 153-A, 506, 34 IPC
Police Station: Sadar, Amritsar.**

1st bail application u/s 439 Cr.P.C.

Present :- Mr. Deepak Sharma, Adv. Counsel for applicant/accused
Ms. Rittu Kumar, learned Addl.PP for the state assisted by
Sh. G.S. Bhullar, Adv.

O R D E R

1. This order shall dispose off bail application moved on behalf of
above said applicant/accused under Section 439 Cr.P.C.

2. The present FIR has been registered on the complaint moved by United Sikh Students Federation against Rahul Sharma and Sourab Setia alleging therein that above-mentioned persons used rough/communal language against the Sikh Community which is going virals on the social media and in this way accused persons tried to disturb the law and order situation of the State and also hurt the religious sentiments of the Sikh Community. Action be taken against the culprits.

3. Notice of the bail application was given to state and record perused.

4. Learned counsel for the applicant argued with the lines of bail application and submitted that no useful purpose will be served by detaining the accused/applicant behind the bars for indefinite time. Thereafter, prayer was made to allow the bail application.

5. Per contra, learned Addl. P.P. for the state assisted by learned counsel for the complainant has argued that there are serious allegations against the applicant/accused and there is every likelihood that if he is granted bail then he would threaten the prosecution witnesses which would prejudice the trial. Thereafter, prayer was made to dismiss the application.

6. I have heard the rival submissions besides perusing the record.

7. As per the prosecution story, applicant/accused used objectionable language against the Sikh Community and tried to incite the particular community in order to disturb the law and order situation in the State. There are specific allegations against the accused/applicant and there is every likelihood that if the applicant/accused is granted the concession of bail then he would threaten the prosecution witnesses which would prejudice the trial and there are also chances to flee away of the applicant/accused. Keeping in view the nature and gravity of the offence alleged to have been committed by the applicant/accused, this court finds that there is no justification to grant the concession of bail to the applicant/accused. Accordingly, without commenting on merits, the instant bail application deserves dismissal and is hereby dismissed. Record be returned along with the copy of this order. Bail application papers be consigned to the record room.

Pronounced in open court.

Dated: 08.06.2023.

**(Rajesh Kumar),
Additional Sessions Judge,
Amritsar. UID No.PB0441**

Narinder Sharma, Stenographer Grade-II.