

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PBO-0057).

CNR No.PBHO01-004412-2021

CIS Number: 1611 of 2021

Date of Order: 19.7.2021

Baljit Singh, aged 37 years son of Harbans Lal, resident of Village Kandhala
Shekha, Police Station Tanda, Tehsil and District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

Present: Shri Madan Lal Rahanu, Counsel for applicant-accused.
Shri R.S Makkar, Additional PP for the State.

(2)

CNR No.PBHO01-004479-2021

CIS Number: 1631 of 2021

Date of Order: 19.7.2021

Pankaj Talwar, aged 65 years son of Mangat Ram, resident of H.No.237,
Mohalla Jain, Ward No.14, Urmarm, Ahyapur, District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

Present: Shri H.S Saini, Counsel for applicant-accused.
Shri R.S Makkar, Additional PP for the State.

(3)

CNR No.PBHO01-004520-2021

CIS Number: 1654 of 2021

Date of Order: 19.7.2021

Ankur Malhotra, aged 29 years son of Ramesh Kumar, resident of Village
Urmur, Balmik Mohalla, Ward No.3, P.S Tanda, Tehsil & District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

Present: Shri Harjit Kumar Rana, Counsel for applicant-accused.
Shri R.S Makkar, Additional PP for the State.

(4)

CNR No.PBHO01-004521-2021

CIS Number: 1655 of 2021

Date of Order: 19.7.2021

Mandeep Singh, aged 33 years son of Paramjit Singh, resident of Village Harsi Pind, Police Station Tanda, Tehsil and District Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

Present: Shri Satpal Bharwal, Counsel for applicant-accused.
Shri R.S Makkar, Additional PP for the State.

FIR No.161 dated 9.7.2021.

Uss 295-A, 447, 148, 149 & 506 of IPC.

Police Station Tanda, Hoshiarpur.

(Four applications for anticipatory bail U/s 438 Cr.P.C).

ORDER:

This order of mine shall dispose of four bail applications i.e. first moved by applicant-accused Baljit Singh, second by Pankaj Talwar, third by Ankur Malhotra and fourth by Mandeep Singh. The applicants-accused are seeking anticipatory bails in above mentioned FIR. It is pleaded that the applicants-accused are innocent and have been falsely implicated in this case. All the offences are bailable except offence under Section 295-A IPC. No offence has been committed by the applicants, as alleged in the FIR. Police is raiding the houses of applicants and they are apprehending their arrest. The applicants-accused undertook to abide by terms of bail and prayed for granting them anticipatory bail in the event of their arrest.

2. Upon notice, Learned Additional PP for the State has orally opposed the bail application.

3. I have heard the arguments of Learned Counsel for applicant-accused and Learned Additional PP for State and have perused the record carefully and minutely.

4. Brief facts of the case are that complainant Rakesh Kumar son of Sukhdev Kumar, resident of Ward No.2, Miani, District Hoshiarpur made statement before the police that he is running Sabzi shop at Village Miani. There is Dalip Cyclewala Chowk near his shop where there are three shops of '*Mata Da Mandir*' which are given on rent out of which two shops which are in dilapidated condition are being reconstructed after demolition. Earlier in one shop, there was barber shop and in second shop, there was meat shop. It is further stated by the complainant that on 9.7.2021, he alongwith Raman Kumar son of Darshan Lal, Mani Bedi son of Tilak Raj Bedi came to see the construction work of the shop. The mason and labourers had gone for taking meal. Then at about 1.00 PM, Amit Talwar son of Pankaj Talwar who is running goldsmith shop in that chowk came there with his companions Ranjit Singh son of Paramjit Singh, Mandip Kumar, Ankur Malhotra, Baljit Singh, Amarvir Singh @ Jodha son of Onkar Singh, Sukhdip Kaur daughter of Lakhvir Singh, Hema Sharma wife of Sanjiv Sharma, Aman Kartik and Pankaj Talwar with 8-10 unknown persons, on vehicles Swift Car bearing registration No.PB-35AB-8447, Bolero Car bearing No.PB-08BX-6506 armed with deadly weapons. They took out Lord '*Hanuman Ji*' idol from Swift Car

No.PB-35AB-8447 and forcibly kept the same in dirty place with intention to take possession of the place. In this way, accused persons have maliciously and deliberately outraged the religious belief of one class Accordingly, case was registered against accused under Sections 295-A, 447, 148, 149 & 506 of Indian Penal Code.

5. Learned Counsel for the applicants-accused have argued that the applicants-accused are innocent persons and have been falsely involved in this case. No injury has been attributed to the applicants and Section 295-A IPC has been attributed just to make the offence serious. Applicants have joined the proceedings and nothing is to be recovered from them. Hence, they prayed for granting anticipatory bail to the applicants-accused. Learned Additional PP for the State, on the other hand has argued that allegations against the applicants-accused are serious as they alongwith other co-accused had came with deadly weapons and tried to establish idol of deity on a dirty place and tried to outrage the religious feelings of one class, as such they should not be granted benefit of anticipatory bail.

6. Now as per allegations, applicants-accused alongwith their companions went at the disputed place in vehicles with deadly weapons where the construction work was going on and tried to establish idol of '*Lord Hanuman Ji*' on a unclean place and tried to outrage the religious feelings by this act maliciously. The possession of disputed place is yet to be established. The applicants-accused have already joined the proceedings and nothing is to be recovered from them. No any injury has been attributed to any of

applicants. Keeping in view of these facts, it is a fit case where the benefit of anticipatory bail should be granted to the applicants-accused. Thus, bail applications filed by the applicants-accused Baljit Singh, Pankaj Talwar, Ankur Malhotra and Mandeep Singh under Section 438 Cr.P.C are allowed subject to compliance under Section 438 (2) Cr.P.C and accordingly interim orders dated 12.7.2021, 13.7.2021 & 14.7.2021, are hereby confirmed subject to conditions that the applicants-accused will continue to join and co-operate with the investigation as and when required; will appear in the court on each and every date of hearing; that they will not leave India without prior permission of the court and that they shall not tamper with evidence of prosecution. Copy of this order be placed on the connected bail applications. Police record returned and file be consigned to the record room, after its completion.

Announced in open Court:

Dated: 19th July, 2021.

‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Additional Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).

Baljit Singh Versus State. BA No.1611-2021.
(CNR No.PBHO01-004412-2021).

Present: Shri Madan Lal Rahanu, Counsel for applicant-accused.
Shri R.S Makkar, Additional PP for the State.

Police record received. Arguments heard. Vide my separate detailed order of even date in this main bail application titled as '*Baljit Singh Versus State*', this bail application as well as connected bail applications filed by applicants-accused Pankaj Talwara, Ankur Malhotra and Mandeep Singh under Section 438 Cr.P.C, have been allowed, as detailed therein. Copy of this order be placed on the connected bail applications. Police record returned and papers be consigned to the record room, after its completion.

Announced in open Court:
Dated: 19th July, 2021.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Additional Sessions Judge, Hoshiarpur.
(UID No.PBO-0057).