

CNR No. DLCT010028882021
Bail Application No. 1034
FIR No. 96/2021
PS: Kotwali
U/s: 147/148/149/152/186/269/279/353/332/
307/308/395/397/427/188/120B/34 IPC
R/w Section 25/27/54/59 Arms Act
R/w Section 3 PDPP Act,
R/w Section 30 AMASR Act
Preet Pal Singh Vs. State

22.03.2021

Present: Sh. Virender Singh, Ld. Addl. PP for State.

1. This order shall decide an application u/s 438 CrPC filed on behalf of applicant/accused Preet Pal Singh seeking anticipatory bail.
2. Reply filed by IO. Copy has been supplied.
3. Arguments heard.
4. Ld. Counsel for applicant submitted that applicant is only 37 years old and belongs to a respectable family having responsibility of his old aged parents and two minor children. After going through the reply filed by the IO to the present bail application, Ld. Counsel has argued that as per contents of the FIR no specific role has been assigned to the applicant in the alleged crime. At best, the allegations against the applicant are of breaking of barricades which attract only

the provision of 186 IPC against him which is bailable. He has further argued that applicant has participated in the peaceful protest in the tractor rally. Applicant is neither the instigator, agitator or has any active role in the crime nor he was part of the violence unfortunately happened in the area of Red Fort. Ld. Counsel has submitted that as per the FIR itself, applicant is not shown to have attacked on any police personnel nor he damaged any public property. He is also not connected with any political group or nor even with Kisan organisation.

5. During the course of arguments, in the presence of Ld. Counsel, IO has shown certain photographs and videos of the incident to the Court in which accused could be seen while carrying a big sword in his hand and waving the same at the rampart of Red Fort. After seeing the videos and photographs, Ld. Senior counsel has argued that the applicant was doing the Marschel art at the Red Fort with the kanda (big sword) and on the Republic Day every citizen has right to celebrate it in the way they want to celebrate it and the action of applicant by waving the kanda in his hands was a Tableau by him, which probably was not liked by the State. He has submitted that applicant is otherwise ready to join the investigation as and when called by the IO.

-3-

6. Ld. Addl. PP, duly assisted by the IO, strongly opposed the bail application as he submitted that the allegations against the applicant are very serious and sensitive in nature involving national issue. He has argued that applicant has active role in the crime as he was one of the agitator and instigator of the mob as photographs placed on record by IO clearly shows that he attacked on the police personnels with swords in his both hands. Custodial interrogation of the applicant is stated to be required to unearth certain facts.

7. I have considered the rival contentions made by Ld. Addl. PP for State and Ld. Counsel for applicant.

8. The photographs and videos shown to the Court during arguments clearly show overt act on the part of the applicant in the alleged crime that he is waving big sword in his hands in the prohibited area of Red Fort. The argument of Ld. Senior counsel that every citizen has right to celebrate republic day in his own way and it was the way of applicant to celebrate the republic day is prima-facie not convincing because no citizen can have unfettered liberty to celebrate the national event in the way the applicant is shown in the photographs is doing. Liberty, albeit is fundamental human dignity of every citizen but such liberty is regulated by law. The allegations against the applicant

FIR No. 96/2021
PS: Kotwali
Preet Pal Singh Vs. State

-4-

are serious. His custodial interrogation is required to unearth certain facts. No ground for anticipatory bail is made out. The application is hereby dismissed.

(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-22.03.2021