

# Charges against Sikh are dropped as Indian envoy refuses to testify

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A criminal charge laid against a Sikh for smashing photographs at the Indian consulate in Toronto was withdrawn because the consul-general refused to testify.

The consul-general in Vancouver has also been told not to waive his diplomatic immunity and testify in a similar incident in that city, K. P. Fabian, acting high commissioner for India in Ottawa, said yesterday.

One of the reasons given by Mr. Fabian was that under Canadian law it was impossible to assure the consul-general in Toronto of a restriction on the questions he would be asked.

Jasbir Singh Saini, 20, a Grade 12 student, was charged with mischief to private property on June 6 at the consulate in Toronto.

Photographs of Indian Prime Minister Indira Gandhi, Indian President Zia Singh, and Mohandas K. Gandhi, the father of India's non-violent freedom struggle, were smashed.

Two days later, Mr. Saini acknowledged that he had smashed the photographs but as "a symbolic gesture of protest" against the Indian

Army's invasion of the Golden Temple in Amritsar, India, the holiest shrine of the Sikhs.

Mr. Saini, who has only one arm, said he did not believe he had committed a criminal act.

The charge was withdrawn yesterday by assistant Crown attorney Wade Nesbit at a provincial court in Etobicoke.

Mr. Nesbit said in an interview it was essential to the charge that the consul-general testify that the consulate in downtown Toronto was his property, that the man should not have damaged it and what the value of the damage was.

His argument was rejected by Surinder Lal Malik, the consul-general in Toronto, in an interview yesterday.

Mr. Malik argued that the Metro Toronto Police had the witness account of a woman guard from a security agency and a receptionist at the consulate.

"I am surprised (at the charge being withdrawn)," said Mr. Malik. "The guard's evidence was good enough . . . . We were prepared to give a list of the damage."