

GURDAS MAAN
Versus
STATE OF PUNJAB

Present: Mr. R.S. Cheema, Senior Advocate with
Ms. Tarannum Cheema, Advocate,
Mr. Arshdeep Singh Cheema, Advocate and
Mr. Sadeev Singh Kang, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab and
Ms. Monika Jalota, D.A.G., Punjab
assisted by Inspector Aman Saini.

Mr. H.P.S. Ishar, Advocate,
Ms. Kuljeet Kaur, Advocate,
Mr. Ramandeep Singh Gill, Advocate and
Mr. Amar Singh Chahal, Advocate
for the complainant.

[1] Due to COVID-19 situation, the Court is convened through
video conference.

[2] This petition under Section 438 of the Code of Criminal
Procedure, 1973 [hereinafter referred to as 'Cr.P.C.'] is filed seeking
anticipatory bail in F.I.R. No. 141, dated 26th August, 2021 under
Section 295A of the Indian Penal Code, 1860 [hereinafter referred to as
'IPC'], registered at Police Station City Nakodar, District Jalandhar
Rural.

[3] The F.I.R. was got registered by Paramjit Singh Akali,
member of *Sikh Youth Power* of Punjab. The allegations are that
petitioner while performing in the *Urs of Sai Murad Shah Ji* at the
premises of *Dera Baba Murad Shah Ji* Trust made certain comments
which hurt the religious sentiments of a community. His act was
against the *Sikh Maryada* as he recited the hymns of *Shri Guru Granth*
Sahib Ji at *Marri* (Mausoleum).

[4] Mr. R.S. Cheema, learned senior counsel for the petitioner submits that no case is made out under Section 295A of IPC as there was no deliberate or malicious intention of the petitioner. He further submits that petitioner has been decorated by various awards for his contribution towards *Punjabi*. He is a renowned name so far as his contribution to Punjabi music and devotional music is concerned. The petitioner himself is a devout *Sikh*. The petitioner on realizing that his words have hurt the sentiments of a community, uploaded a video apologizing for his conduct. The video was uploaded prior to registration of F.I.R. He further contends that investigating officer while appearing before the Additional Sessions Judge, Jalandhar had stated that custodial interrogation is not required, however the contention was not noted in the impugned order.

[5] Though complainant is not impleaded as party but is represented by counsel who vehemently oppose the prayer for grant of anticipatory bail.

[6] Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab on instructions submits that custodial interrogation is not required as no recovery is to be made.

[7] The issue as to whether words used by the petitioner while performing on the stage were deliberate or malicious, which is a basic necessity for invoking Section 295A IPC, would be subject matter of the investigation. Suffice to say that an artist while performing on a stage has inclination to take the crowd alongwith him. No further comment is made at this stage.

[8] Petitioner is a renowned Punjabi singer. He is not a personality who would be able to hide or abscond himself from investigation or trial. No recovery is to be made, the case is set up on a viral video.

[9] It would be pertinent to note at this stage that basic foundation of democracy is secularism and freedom of expression. However, with advancement of technology whatever positive social media might have provided but one thing is ensured that each and every act or conduct spreads like a wild fire.

[10] In the impugned order it is observed that petitioner by apologizing has admitted the occurrence. The issue is not about the disputing event, the apology could have been a step by the petitioner to resolve the issue in the nascent stage.

[11] Considering the facts and circumstances in totality, the petitioner is granted interim bail subject to his joining investigation within a week. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

[12] List on 30th September, 2021.

15th September, 2021
pankaj baweja

(AVNEESH JHINGAN)
JUDGE