

IN THE COURT OF SHRI MANJINDER SINGH,  
ADDITIONAL SESSIONS JUDGE, JALANDHAR  
UID No. PB0064

PBJL010094762021



BA/3654/2021

Presented on : 01-09-2021

Registered on : 01-09-2021

Decided on : 08.09.2021

Gurdas Maan son of S. Gurdev Singh, resident of House No.194, Sector  
33-A, Chandigarh.

...Applicant/Accused.

Versus

State of Punjab

.....Respondent.

FIR No. 141, dated 26.08.2021,  
u/s 295-A IPC,  
P.S. City Nakodar.

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Present: S/Shri D.S. Dyal, Sanjive Bansal, Amit Joshi, Advocates counsel  
for applicant/accused.

Shri Gurpal Singh, Addl.P.P for the State, assisted by S/Shri  
K.P.S. Gill, Parminder Singh Dhingra, Ravi Inder Singh and  
Manjinder Singh, Advocates for complainants.

**ORDER:**

1. This order will dispose of bail application moved by  
applicant Gurdas Mann under Section 438 Cr.P.C., in FIR No. 141, dated  
26.08.2021, u/s 295-A IPC, P.S. City Nakodar.
2. Upon notice, this application was contested by learned  
Addl.P.P. for the State assisted by learned counsels for the complainant.

Manjinder Singh,  
ASJ//Jal//08.09.2021.

3. I have heard learned counsel for the accused-applicant, Id.Addl. PP for State assisted by learned counsel for the complainants and have gone through the file very carefully with their able assistance.

4. Learned Counsel for the accused-applicant contended that the applicant is a peace loving and law abiding citizen having no previous criminal background. Applicant is a renowned Punjabi Lyricist and has penned number of songs in honour of Sikh Gurus and thereby spread the Punjabi all over the world. His Punjabi Songs, films and lyrics have given Punjabi language a Pan Indian identity and recognition unmatched by any other regional language. Number of awards have been conferred upon him. The applicant is innocent and has committed no offence whatsoever and has been falsely implicated in this case. A bare perusal of the FIR reveals that no offence under Section 295-A IPC is made out against accused/applicant. Section 295-A IPC is invoked for deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs. It has been submitted that to fasten an offence under Section 295-A IPC, it has to be satisfied that an act has been committed with deliberate and malicious intention, in order to outrage the religious feelings of any class of citizens and such act insults or attempts to insult the religion or the religious beliefs of that class. In the present case, the FIR prima facie fails to disclose that any such act or attempt was made by the petitioner. It has been further contended that the essence of the offence under the section in question is that the insult to religion or the outrage to religious feelings must be the

sole, or primary, or at least the deliberate and conscious intention. In this case both the first part requiring insult to religion and the second part requiring the requisite malice in the utterance are missing. Even otherwise on a plain reading of the FIR the ingredients of the offence which entail invocation of Section 295-A IPC are not made out in any manner whatsoever. In support of their contention, the learned defence counsel has relied upon Ramji Lal Modi Vs. State of U.P 1957 SC 620 and Mahendera Singh Dhoni Vs. Yerraguntla Shyamsundar and another, 2017(7) SCC 760. It has been further contended that the applicant is Sikh by religion and is also an ardent devotee of all the Sikh Gurus and follows all the Sikh practices. The contribution of the applicant to the tenets of Sikhism is noteworthy. In the past the applicant has narrated and sung the history of Guru Gobind Singh Ji at the lazer show held at Akal Takht Patna Sahib and has also sung history of Shri Guru Sahib at the lazer show held at Akal Takht Hazur Sahib. He has sung large number of devotional songs in honour of almost all the Sikh Gurus and thereby spreading the message of Sikhism all over the world. The applicant has been conferred a degree of doctorate for his contribution to Punjabi Language and Punjabi by Panjabi University Patiala. The applicant is a household name in Punjab. He is revered for reflecting deep spiritual values in his songs and films. Punjab is the land of the Gurus. Nakodar in District Jalandhar has the unique distinction of being the abode of several Brahm Gianis. In undivided Punjab Shri Bhagat Ram Bhalla and his son Shri Chajju Mal Bhalla were the renowned Jagirdars owning hundreds

and thousands of Murabbas of land in Layalpur District now in Pakistan. Due to partition, Shri Chajju Mal Bhalla alongwith his son Shri Jagiri Lal Bhalla, Shri Vidya Sagar Bhalla and another family members came and got settled in Nakodar. Shri Vidya Sagar Bhalla became Ascetic and became Brahm Giani and is known as Sai Murad Shah Ji. His nephew Shri Vijay Kumar Bhalla son of Shri Jagiri Lal Bhalla also renounced the world and became Ascetic. He attained the Brahm Gianship at a young age. Shri Vijay Kumar Bhalla came to be known as Sai Gulam Shah Ji as well as Sai Laddi Shah Ji. Being drowned in love and compassion for the humanity his words became boons and he used to take away the sufferings of the humanity with his loving gentle smile. It has been further contended that on 19<sup>th</sup> and 20<sup>th</sup> August 2021 the Urs of Sai Murad Shah Ji was celebrated at the premises of Dera Baba Murad Shah Ji Trust (Registered) Nakodar with fervor and gaiety. It was attended by lakhs of people from all over the world. Applicant used to perform on every Urs of Sain Ji. Accordingly, on 20.08.2021, applicant gave his performance at the precincts of Dera Baba Murad Shah Ji at Nakodar. He sung devotional songs and also narrated with devotion the lives and teachings of Sikh Gurus to the Sangat. He also quoted "Verses" from Shri Guru Granth Sahib Ji and told the devotees to follow the teachings of the Gurus. The devotees of Sai Gulam Shah Ji believe that Shri Guru Amar Dass Ji belongs to Bhalla Gotra and Sain Gulam Shah Ji also belongs to Bhalla Gotra. Accordingly, while performing, heart of applicant got filled with love, joy and overwhelming devotion. In the said ecstasy he praised the

family of third Sikh Guru Shri Amar Dass Ji and family of Sai Gulam Shah Ji in the presence of Lakhs of Sangat comprising of Sikh, Hindu, Muslim and other communities without any murmur from even a single devotee present at the spot who were watching the live streaming of his performance. He did not utter any word against the honour of Sikhism or of any Sikh Guru. He has performed for more than one hour. Not even a single word uttered during his performance can be said to have hurt the sentiments of any religion. Applicant is a devotional performer and could not and did not hurt the sentiments of any religion including the Sikh Religion. It has been further contended that few days after the said performance a campaign was orchestrated on social media by certain vested interest groups that applicant has hurt the religious sentiments of Sikh Community. An atmosphere of fear and coercion was created. On coming to know the said propaganda applicant immediately posted his video stating that if by any means anyone felt offended by his words then he seeks apology from those aggrieved. In the said video the applicant also clarified that no one can be compared with Shri Guru Amar Dass Ji Maharaj because he is Sat Guru Param Guru Adi Guru. It has been further submitted that there is a presumption of innocence in favour of the applicant as held by the Hon'ble Supreme Court in **Sidharam Satlingappa Mhetre Vs. State of Maharashtra; 2011(1) RCR at page 126,** wherein it was laid down that arrest should be taken as last resort. The accused/applicant is apprehending his arrest in the present case. Nothing is to be recovered from the accused/applicant and as such, he is

not required for any custodial interrogation. Hence it is prayed that bail application may kindly be allowed.

5. On the other hand, ld. Addl.P.P. for the state assisted by learned counsels for the complainant contended that the offence attributed to the accused is very serious in nature and no leniency is required in such like matters. The accused/applicant while performing on stage on 20.08.2021 during Baba Murad Shah Fair had compared Shri Guru Amar Dass Ji Maharaj (Third Guru of the Sikhs) with Sain Laddi Shah. The accused/applicant had stated during stage performance that Sain Laddi Shah is descendant of Guru Amar Dass Ji Maharaj. Even a video regarding the same had gone viral on Internet. By comparing Sain Laddi Shah with Shri Guru Amar Dass Ji Maharaj the accused had outraged the religious feelings of the Sikhs and by such an act he has insulted or attempted to insult the Sikh religion. By any stretch of imagination Sain Laddi Shah can not be compared with Shri Guru Amar Dass Ji Maharaj. These words have been uttered by the accused/applicant during stage performance with a deliberate or malicious intention to outrage the religious feelings of the Sikhs in Punjab and throughout the world. Although it is alledged by defence counsel that accused had submitted apology, meaning thereby occurrence is admitted by the accused. There is a lot of resentment among the sikh sangat in the country as well as abroad as a result of this. If such like accused are granted concession of anticipatory bail, then it will give wrong signal to the society at large and anybody will start uttering such words to outrage the religious feelings of

another class. If granted concession of bail, it will create law and order problem in the State of Punjab. Hence it is prayed that the bail application may kindly be dismissed.

6. From perusal of police file this court finds that this case was registered against the accused/applicant on the statement of complainant Paramjit Singh Akali. In his statement he has submitted that he is member of the Five membered committee of Sikh Youth Power of Punjab. It is further submitted that on 20.08.2021 there was a Fair of Sain Laddi Shah, which is also known as Dera of Murad Shah and this Dera is being headed by Gurdas Mann, who is working as a Chairman of the said Trust. On 20.08.2021, Gurdas Mann while performing on the stage compared Shri Guru Amar Dass Ji Maharaj with Sain Laddi Shah. Gurdas Mann while performing at the stage while showing disrespect to the recitals of Shri Guru Granth Sahib Ji Maharaj, had alleged that Sain Laddi Shah Maharaj is descendant of Shri Guru Amar Dass Ji Maharaj. A video regarding the same had gone viral on the Internet and it had outraged the religious feelings of the Sikh Community at large. As per Sikh Maryada, the hymns of Shri Guru Granth Sahib can not be recited at any Mari or cremation ground. This application was submitted by Paramjit Singh Akali, Member Sikh Youth Power of Punjab alongwith Pallwinder Singh son of Malook Singh, resident of Amarkot, Giani Jatinder Singh son of Gurdev Singh, resident of Noorpur Chatha, Giani Kuldeep Singh son of Shingara Singh resident of Nijjran. Similar application was moved by Rajinder Singh son of Piara Singh, resident of Village Saidowal, Mangat Pal Singh, resident

of Jalandhar City, Amrik Singh son of Dhadha Singh, resident of Jalandhar City, Surjit Singh Khalistani, Incharge Halqa Phillaur, Harjinder Singh, Jatha Neelian Faujan, resident of Guru Teg Bahadur Nagar, Jalandhar, Manjit Singh President Awaz-e-Kaum Phillaur, Darshan Singh, resident of Sandar, Gurpal Singh resident of Sandar and Balbir Singh Muchhal of Satkar Committee. Thereafter the present FIR under Section 295-A IPC was registered against the accused/applicant and in this FIR the accused is seeking anticipatory bail.

7. In view of the arguments advanced by both the parties and going through the record, this court is of firm opinion that offence attributed to the accused/applicant is of very serious in nature and no leniency is required in such like matters. I have gone through the video which is submitted with the record, from which it is clear that accused/applicant while performing on stage during Fair at dear Baba Murad Shah had described Sain Ladi Shah as descendant of Shri Guru Amardass Ji Maharaj (third Guru of Sikhs) being belonging to Bhalla Caste. In my view anybody belonging to Bhalla caste cannot be said to be descendant of Shri Guru Amardass Ji Maharaj. Everybody has his own identity. It is the main contention of learned defence counsel it was not deliberate and conscious intention on the part of accused/applicant to insult the religion or outrage the religious feelings of Sikhs and as such no offence u/s 295-A IPC is made out against the accused. This contention is devoid of any merits. At this stage it cannot be determined that whether the said utterance of accused by which he described Sain Laddi Shah as



descendant of Third Guru Shri Guru Amar Dass Ji Maharaj during performance at stage was deliberate and conscious intention on the part of accused/applicant to insult the religion or outrage the religious feelings of Sikhs. As such citations relied upon by the learned defence counsel **Ramji Lal Modi Vs. State of U.P 1957 SC 620 and Mahendera Singh Dhoni Vs. Yerraguntla Shyamsundar and another, 2017(7) SCC 760** are not applicable to the facts of the present case. It is further submitted by learned defence counsel that utterance if any made by the accused is by mistake and accused had already submitted an apology to general public. By submitting the apology by the accused, the occurrence is admitted. Offence u/s 295-A IPC is not compoundable. By these utterances of accused/applicant there is lot of resentment among the Sikh Sangat in the country as well as abroad. If granted bail it will aggravate people's discontentment and spoil Punjab's peaceful environment.

8. It is a settled proposition of law that grant of bail though involves exercise of discretionary powers of the Court, yet the said exercise has to be made in a Judicious manner and not as a matter of course. The nature and gravity of accusation is one of the primary factors to be borne in mind while considering any application for anticipatory bail. My this view is fully fortified by the law laid down in **Singashan Singh Vs. State of Bihar, 2015(1) RCR(Cr1) 786 (SC)**. Moreover, while deciding any bail application Court should keep it in mind that public does not loss faith in administration of justice. It is so held in **Shri Krishan Dass Vs. state of Haryana, 2000(2) RCR(Cr1.) 14(P&H)**. In

the present case also the accused/applicant had described Shri Laddi Shah as descendant of Shri Guru Amar Dass Ji Maharaj by which it had hurt the sentiments of public at large. If granted bail, then it will give wrong signal to the society at large and cause resentment in Sikh Community. As such, keeping in view the aforesaid facts, I do not deem it a fit case to grant concession of anticipatory bail to the accused/applicant and accordingly the anticipatory bail application filed by accused-applicant **Gurdas Mann** is hereby dismissed being devoid of any merits. File be consigned to the record room. Police record be returned immediately.

Pronounced in open Court  
08.09.2021.

(Manjinder Singh),  
Additional Sessions Judge,  
Jalandhar.  
UID No. PB0064

Dictated directly on computer  
rajesh\*\*