

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.213

CRM-M-32744-2021

Date of decision: 29.11.2021

Hardyal @ Hardyal Aadia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rahul Sharma-I, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0051 dated 12.04.2018 registered under Sections 295-A IPC and Sections 67, 67(A) of the Information Technology Act, 2000 at Police Station Sadar Hoshiarpur, District Hoshiarpur.

On August 13, 2021, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.0051 dated 12.04.2018 under Sections 295-A IPC and Sections 67, 67(A) of the Information Technology Act, 2000 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

FIR was registered on the complaint of Mohan Singh @ Lucky Thakur, who stated that on 05.04.2018, Parminder Sagar had uploaded a post on Facebook. In this post, Parminder Sagar posed as to who was the greatest (i) Lord Ram, who had left his pregnant wife, (ii) Lord Krishna, who watched naked women bathing, or (iii) Bhimrao Ambedkar, who gave rights to women to live with dignity. Subsequently, the petitioner is alleged to have sent his comments on the post uploaded by Parminder Sagar. In his comments, he is alleged to have stated that Krishan Ji was fond of watching naked women.

Learned counsel for the petitioner submits that the petitioner is a devout Hindu and there can

be no question of his hurting religious sentiments of Hindus. There was not even remote intention on his part to outrage religious feelings of any class of citizens by insulting their religion or religious beliefs. He relies on judgments of Hon'ble Supreme Court reported as **Ramji Lal Modi vs. State of U.P, AIR 1957 SC 620** and **Mahendra Singh Dhoni vs. Yerraguntla Shyamsundar and Another, (2017) 7 SCC 760** to contend that Section 295-A does not penalise any and every act of insult or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises only those acts of insults to or those varieties of attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. He argues that no such intention is attributed to the petitioners nor can such an intention be inferred from the post. He contends that the co-accused Parminder Sagar, who uploaded the post on Facebook, has already been granted the benefit of anticipatory bail and that the petitioner is ready and willing to cooperate with the investigation.

Notice of motion for 29.11.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required."

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above, the interim order of this Court dated 13.08.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

November 29, 2021
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No