

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No.M-1359 of 2022(O&M)

Date of Decision: April 29, 2022

Anil Arora @ Bobby

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Sartaj Singh Narula, Advocate
for the petitioner.

Mr.R.S.Khaira, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.0247 dated 20.10.2021 under Sections 295-A (Sections 153-A, 212, 216, 120-B IPC and Section 67 of Information and Technology Act added later on), Police Station Division No.3, Ludhiana, Punjab.

The FIR was lodged on the complaint of one Parvinder Singh. It was alleged that Anil Arora (petitioner) runs a page on facebook by the name of ANIL ARORA. For quite some time he has been uploading posts and messages on social and religious issues which instigates and causes division in Hindu-Sikh unity. It was further alleged that one of the videos of petitioner has gone viral on social media. It is an audio cutting from an application 'Club House'. Therein, Anil Arora is talking to three-four persons and using inappropriate terminology against Shri Guru Nanak Dev Ji and his father which is offensive to the followers of the Sikh Religion.

Because of that there is resentment amongst the members of the Sikh Community.

The conversation in the audio clip is in the context of the father of Shri Guru Nanak Dev Ji. In portion 'A' the person is heard saying "*Kash us din Tilak Dhari, Kalyandhari, Kalyan Dass Bedi Ji Jaldi son Jande*". The petitioner in portion 'B' is heard saying "*Main Thoda Jiha Hor Waadha Karanga Ke Kaash os same condom Majood Hunde*". Thereafter all start laughing. In portion 'C' of the clip Mohit is heard saying "*Na oh fatde, na tusi hunde*". In portion 'D', the petitioner is heard saying "*Fatda taan je os same hunda. Oh tan hai hi nahi si*".

Initially, the FIR was registered under Section 295-A IPC against the petitioner and 3-4 other unidentified persons. The petitioner and other accused were arrested. During investigation, the other offences including Section 153-A was added. Shalu Aggarwal and Rozy Jain (family members of the petitioner) were arrested on 25.10.2021 for offences under Section 212 and 216 IPC. They were granted bail on 29.10.2021 by Ld. Judicial Magistrate Ist Class, Ludhiana. One Sanjeev Kumar who was arrayed as accused was granted bail by the Ld. JMIC Ludhiana on 23.11.2021. The petitioner was arrested on 09.12.2021.

Mr. Narula, Ld. Counsel for the petitioner has argued that after completion of investigation challan has been presented for offences under Sections 295-A, 153-A/ 120-B and Section 67 of the Information Technology Act as against the petitioner. Sections 212 and 216 IPC are not invoked against the petitioner. The maximum sentence for these offences is imprisonment for three years. The petitioner is in custody since 09.12.2021.

He further argued that the ingredients of offences under Section 153A and 295A are not satisfied in this case. There is no evidence to suggest that the offensive words were uttered with any intent to cause or promote disharmony or feelings of enmity, hatred or ill-will on the grounds of religion. There is no material to indicate that the conversation was deliberately and maliciously intended to outrage the religious feelings of any class of citizens of India. The conversation can only be characterized as a foolish utterance in extremely bad taste.

Mr. Sewak, Ld. Additional Advocate General on the other hand contended that the petitioner has used derogatory and offensive language against Shri Guru Nanak Dev ji and hurt the religious feelings of the people.

The petitioner is in custody since 09.12.2021. The investigation in the case is complete and challan has been filed. The offences alleged are punishable with imprisonment upto three years. There is no apprehension that the petitioner may evade or otherwise interfere with the trial.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

April 29, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No