

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33501-2023 (O&M)

Date of Decision: 07.10.2023

Sanjay Rai

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjay Rai, petitioner-in-person.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. P.S. Hundal, Senior Advocate with
Mr. Mrigank Sharma, Advocate,
for the complainant.

Mr. Kulwant Singh Boparai, Advocate,
Amicus Curiae.

JASGURPREET SINGH PURI, J.

1. The present is a petition filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.152 dated 23.12.2022, under Section 295A of IPC, registered at Police Station Division E, District Police Commissionerate, Amritsar, Punjab and all the consequential proceedings arising therefrom.

2. A translated copy of the aforesaid FIR which has been so attached by the petitioner alongwith the present petition as Annexure P-1 is reproduced as under:-

*“To, The Police Commissioner, Sri Amritsar. Subject:-
Regarding complaint against Sanjay Rai son of R.M.Rai. Sir, the*

Shiromani Gurdwara Prabandhak Committee, Sri Amritsar is lawful organisation constituted under Gurdawaras Act, 1925. Its Head Office is at Teja Singh Samundri Hall, Sri Amritsar Sahib and it has got the rights for doing legal administrative proceedings of very kind with this name as per Gurdwara Act. As per the report received from the Research Scholar of Shiromani Committee with regard to the complaint received from Sikhs and general public of the Illaqa against Sanjay Rai son of R.M. Rai, resident of Flat No.419, Phase-5, Mayur Vihar, Delhi at present resident of Ashram Village Palakhi, Police Station Bhogrwan, Teshil Indora, District Kanga (Himachal Pradesh) (Photocopy of which is enclsod herewith). In the video sent by the people of that area the person named Sanjay Rai who by claiming himself as incarnation of Sri Guru Nanak Dev Ji's soul is falsely claiming of having twelfth sect and by staking the claim of having the entry of the soul of Sri Guru Nanak Dev Ji in himself, and under the dirty policy of insulting Sikh community and by misleading the people is hurting the prestige and honour of Sikhs. Such mischievous persons promotes the hypocrisy and also looting the poor and innocent persons too. You are requested that by taking this matter seriously and while registering the case under appropriate sections agianst Sanjay Rai and his associate persons for insulting Guru Sahib, hurting the religious sentiments of Sangat, looting the innocent persons and for breaking the communal harmony in the society and for misleading the people and strict action be taken against them. Yours faithfully, Sd/- Partap Singh, Secretary, Shiromani Gurdwara Prabandhak Committee, Sri Amritsar City”.

Submissions made by petitioner in person

3. The petitioner appearing in person submitted that the present FIR was an abuse of the process of law since no offence is made out in the present case against the petitioner. He submitted that he is reincarnation of Guru Nanak Dev Ji which can be proved by his current actions and spiritual knowledge. He submitted that he lives in an Ashram under the name of

Satlok Ashram at Village Palakhi, Tehsil Indora, District Kangra, Himachal Pradesh as a Guru and performs various duties alongwith his chelas and there is a danger to earth and its occupants and only a Guru can sense such threat and provide a complete solution. He submitted that his claim which is true that he is reincarnation of Guru Nanak Dev Ji does not amount to deliberate and malicious intention of outraging the religious sentiments of any class of people. The complainant is an office bearer of SGPC which is a political body and they are running 'Dharam Ki Industry'. He further submitted that there is only one religion/dharam i.e. Sanatan Dharam and all others in reality are 'Panths' and not religion. He also submitted that rather all the religions today are controlled by powerful lobbies and run as profitable industry and they exercise full control over world economics and politics and that is the reason as to why Avtars have to come time and again. He submitted that the God Almighty (Sahib Satsukrit Ji Maharaj) came as Sahib Kabir Ji alongwith his messenger Guru Nanak Dev Ji to transform and enlighten the people pertaining to spiritual knowledge and at present Satguru Rampal Ji Maharaj is Avtar of Sahib Kabir Ji alongwith the present petitioner i.e. Sanjay Das as his messenger. Now the present petitioner is the present Avtar and the world has to follow 'One God, One Dharam and One Saint'. He further submitted that all the religions of the world are commanded and controlled by dharam industry purely for money and power. He also referred to some writings contained in *Janam Sakhi Bhai Bale Wali* and also referred to Annexure P-2, which is an extract taken from the aforesaid *Janam Sakhi Bhai Bale Wali*. He further referred to various other extracts from other books some of which are attached as Annexure A-3 which is stated to be titled as 'Shri Nanak Parkash (Kirat : Kavi Churhamani

Bhai Santokh Singh)'. Another extract of one Sach Khand Ki Sakhi has been attached as Annexure A-4 in vernacular and while referring to the aforesaid writings, he stated that he had down loaded the same from the internet and submitted that the God is in form which means that God is a physical entity and people are going in wrong directions. While referring to the aforesaid writings, he submitted that it has been so stated that Sri Guru Nanak Dev Ji will come in 4th Avtar and in this way, now the petitioner is the Avtar i.e. reincarnation of Sri Guru Nanak Dev Ji. Another reference has been made to a book namely, Sri Nanak Sahib Ki Praan Sangli which is published by Belvedere Printing Works, Allahabad wherein some of the words contained in Sri Guru Granth Sahib Ji have been translated and explained. In nutshell, the petitioner has submitted that he is reincarnation of Guru Nanak Dev Ji and all the existing religions are only commercial industries which work only for money and power whereas there can be only 'One God, One Dharma and One Saint'.

**Submissions made by learned Senior Counsel
for complainant/Respondent No.2**

4. On the other hand, Mr. P.S. Hundal, learned Senior Counsel with Mr. Mrigank Sharma, learned counsel for the complainant-respondent No.2 submitted that the allegations contained in the FIR *ex facie* constitute an offence under Section 295A IPC. He submitted that the petitioner has repeatedly given speeches in his Ashram and other places which are so recorded in the videos and audios wherein he claims himself to be 12th sect since there is an entry of soul of Sri Guru Nanak Dev Ji in him. While referring to the contents of the FIR, he submitted that in this way, the petitioner has insulted Sikh religion and hurted the prestige and honour of

Sikhs by insulting Guru Sahib. Not only the religious sentiments of the Sikhs are hurt but an attempt has also been made to break the communal harmony between different religions in this regard. After the receipt of information with regard to the aforeaid circulation of vidoes and audios, the complainant made a complaint to the police and police conducted an inquiry in this regard which is attached alongwith the FIR wherein during inquiry the police saw a video in which the petitioner was making a propaganda in his Satlok Ashram claiming himself to be an incarnation of Sri Guru Nanak Dev Ji and claiming himself as 12th sect. The aforesaid video is already on the social media. He submitted that the petitioner has stated in the video that his first birth is Amirishi Ji, second birth is Raja Janak and third brith is Guru Nanak Dev Ji and now fourth life is the present petitioner namely, Sanjay and that he is the soul of Guru Ji. Even in the audio, he insults the turban and says that mere wearing of a turban cannot make anybody a Sikh. He submitted that after the circulation of the videos and audios, there is a great resentment and feeling of insult is being created in the Sikh Community and petitioner has outraged religious feelings of the Sikhs and there is a possibility of Hindu Sikh disharmony because of the offence committed by the petitioner. The petitioner is also looting people by way of exploiting their sentiments. The petitioner has claimed himself to be a 12th sect and has insulted Guru Nanak Dev Ji by stating himself to be a 12th Avtar.

5. Learned Senior Counsel also referred to the contents of the videos which have been attached as Annexures R-2/3 to R-2/6. In video-1 (Annexure R-2/3), he has stated that he is incarnation of Guru Nanak Dev Ji. He has stated that now you see you will get the proof of the presence of

holy souls and wicked spirits which have been mentioned by God in 'Nikdan Ramaini'. He has stated in the video that Ambrish Ji came to this world first, followed by Janak Ji, thirdly Nanak Ji will take birth in the world and Sanjay (Petitioner) will be the fourth and therefore, claims himself to be the fourth birth. In video-3 (Annexure R-2/4), he specifically stated that he is incarnation of Guru Nanak Dev Ji. In video-5 (Annexure R-2/5), he again repeated the same thing and these videos have been uploaded on YouTube as well for last three years. In this video, he has specifically stated that he is incarnation of Guru Nanak Dev Ji and that he has appeared in the 12th sect and he is the 12th head of the cult to promote only one sect by obliterating all other cults (Panth). He has stated that even the 13th cult which in the manifestation of the God would be headed by his saint, his Swan, his disciple and his servant. In audio No.11 (Annexure R-2/6), he has specifically stated as to whether anyone can become a Sikh by tying a turban?. He has further stated in the audio that now they are serving meat in Gurdawaras.

6. Learned Senior Counsel further submitted that even a bare perusal of the contents of the present petition would show that again the petitioner has repeated the same thing by specifically so stating in the present petition as well that the petitioner is reincarnation of Guru Nanak Dev Ji. He has further stated in the present petition that there is only one religion/dharam i.e. Sanatan Dhram and there is no other religion, whereas in fact Sikhism is a separate religion which is also acknowledged by the Constitution of India and therefore, even the averments made in the present petition constitute hate speech and an offence under Section 295A IPC. The petitioner has further stated in the petition itself that the world will have to

follow one God, one Dharma and one Saint and all the religions of the world are controlled by dharam industry purely for money and power and therefore, the petitioner has not spared any religion on the earth for making a specific averment in the petition itself.

7. Learned Senior Counsel further submitted that in para No.15 of the petition as aforesaid, the petitioner has specifically stated that he is to be equated with Guru Nanak Dev Ji such as of Rampal Ji Maharaj who is the Avtar of Sahib Kabir Ji. He submitted that the aforesaid Rampal is a habitual offender and he has been convicted in two cases i.e. FIR No.429 dated 19.11.2014, under Sections 302, 342 and 120-B IPC, registered at Police Station Barwala, District Hisar and FIR No.430 dated 19.11.2014, under Sections 302, 343 and 120-B IPC, registered at Police Station Barwala, District Hisar and in two cases, he is undertrial i.e. FIR No. 428 dated 18.11.2014, under Sections 114,147, 148, 149, 186, 188, 120-B, 121, 121-A, 122, 123, 307, 332, 342, 326-A IPC, Sections 25/27/30 of Arms Act, Sectiond 3/4/7 of Explosive Substances Act and Sections 16/18/20/22C/23 of Unlawful Activities (Prevention) Act, registered at Police Station Barwala, District Hisar and FIR No. 192 dated 08.07.2006, under Sections 148, 149, 323, 332, 353, 341 and 427 IPC, registered at Police Station Sadar, Rohtak. He further submitted that the aforesaid Rampal against whom the aforesaid FIRs were lodged and he was convicted in two cases as aforesaid himself has rather lodged an FIR against the present petitioner bearing FIR No.0124 dated 21.06.2022, under Section 420 IPC by alleging that the petitioner namely, Sanjay and his friends have opened an Ashram in the name of Satlok Ashram at Village Palakhi, Tehsil Indora, District Kangra, Himachal Pradesh and they are

selling the books written by the complainant namely, Rampal and using his photos to defraud innocent public in the name of complainant for personal gains and they are using the previously mentioned work of the complainant Rampal without any licence and authorization.

8. Learned Senior Counsel further submitted that the petitioner has alleged that the present complainant who is an office bearer of the SGPC is a political organization whereas in fact the SGPC is a Statutory Body created under a Central Legislation and it is a creation of a statute. He made reference to Section 129 of the Sikh Gurdwaras Act, 1925 which provides that the Board/Committee has power under the Act to deal with any matter directly connected with the Sikh religion. He further submitted that the reference made by the petitioner to some of the books and extracts which were down loaded from the internet does not have any credibility in Sikh religion. The reference made vide Annexure P-1 by the petitioner pertaining to *Janam Sakhi Bhai Bale Wali* is a publication of Bhai Chatar Singh Jiwan Singh of their own and without the sanction of any designated authority or the SGPC and is not an accepted publication especially when it is without any kind of source. The petitioner has also referred to one another book which is also stated to be *Bhai Bale Wali Janam Sakhi* by the same publisher which is also not an authenticated book by any authority or any person known to have any credibility in Sikh religion and therefore, the petitioner has based his reliance on totally distorted information and interpretation made in the publications which have not been accepted by the Sikh religion at any point of time. The publications are without any source or author.

9. Learned Senior Counsel further submitted that the petitioner

has repeatedly claimed even in the petition itself that there can be only one religion and Sikh religion is not a religion and is only a Panth. The claim made by the petitioner is absolutely insulting in nature with the sole purpose of creating communal disharmony amongst different religions in India. He submitted that Sikhism being a religion is also so acknowledged by the Constitution of India. As per Explanation-I of Article 25(2) of the Constitution of India, the wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion and as per Explanation-II, it is so provided that in sub-clause (b) of Clause 2, the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion and the reference to religious institutions shall be construed accordingly. He submitted that Sikhism itself is a separate religion and it has been so acknowledged by the Constitution of India and the petitioner by so stating repeatedly in the videos and in the petition itself that apart from Sanatan Dharam there is no other religion including Sikh religion is therefore with the purpose to outrage the feelings of Sikhs by insulting their religion and religious beliefs.

10. Learned Senior Counsel submitted that in fact in Sikh religion there were 10 Gurus starting from Guru Nanak Dev Ji till Guru Gobind Singh Ji and they are considered to be one Jyot (spirit). After Guru Gobind Singh Ji, he so ordained at Hazur Sahib Nander, Maharashtra that after him the Guru of Sikhs will be Sri Guru Granth Sahib Ji and nobody else. He ordained that henceforth there will be no human Guru and Sri Guru Granth Sahib Ji will be the only living Guru and it is the duty of Sikhs to worship only Sri Guru Granth Sahib Ji and nobody else. He submitted that in this regard, a specific matter came up before the Hon'ble Supreme Court in

which it was so specifically observed that in Sikh religion, Sri Guru Granth Sahib Ji is the living Guru. Learned Senior Counsel made reference to judgments of Hon'ble Supreme Court in ***Pritam Dass Mahant Versus Shiromani Gurudwara Prabhandhak Committee, (1984) 2 Supreme Court Cases 600 and also in Shiromoni Gurdwara Prabandhak Committee, Amritsar Versus Som Nath Dass and others, (2000) 4 Supreme Court Cases 146***. He further made reference to a Division Bench judgment of this Court in ***Master Aman Preet Singh Versus Government of India, 1996 SCC OnLine P&H 467***. He further submitted that in view of the aforesaid position, the claim made by the petitioner is contrary to the judgments of the Hon'ble Supreme Court as aforeaaid.

11. Learned Senior Counsel further submitted that all the ingredients of Section 295 A IPC are fulfilled since it is a case where there has been a deliberate and malicious intention by the petitioner to outrage the religious feelings of the Sikhs by insulting their religion and religious beliefs by all methods. He further submitted that even otherwise also, the matter is still at investigation stage and no ground is made out for quashing of FIR at all.

12. Learned Senior Counsel also referred to judgments of Hon'ble Supreme Court in ***State of Haryana and others Versus Bhajan Lal and others, 1992 Supp (1) Supreme Court Cases 335, Monica Kumar (Dr.) and another Versus State of Uttar Pradesh and others, (2008) 8 Supreme Court Cases 781 and Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others, 2021 SCC OnLine SC 315*** to contend that in view of the aforesaid law laid by the Hon'ble Supreme Court it is not a fit case for quashing of the FIR especially at the investigation stage since none

of the parameters laid down by the Supreme Court for quashing of the FIR at the threshold are satisfied in the present case. He also submitted that the constitutional validity of Section 295A IPC has already been upheld by a Constitution Bench of Supreme Court in ***Ramji Lal Modi Versus State of U.P., 1957 SCR 860.***

Submissions made by learned Amicus Curiae

13. Mr. Kulwant Singh Boparai, learned *Amicus Curiae* submitted that the question which is to be seen by this Court is that whether on the basis of the allegations based upon record, the FIR should be quashed at the threshold or not while applying the principles laid down by the Hon'ble Supreme Court in various judgments. He submitted that a perusal of the FIR and even the contents of the present petition would show that the petitioner has been repeatedly proclaiming himself to be incarnation of Guru Nanak Dev Ji and claims himself to be a living Guru whereas such a proclamation is totally contrary to the fundamentals of Sikh religion. He submitted that as per Sikh religion, after the 10th Guru i.e. Guru Gobind Singh Ji, the only living Guru is Sri Guru Granth Sahib Ji and the 10th Guru made specific command that henceforth the Sikhs shall worship only Sri Guru Granth Sahib Ji and no other living person. He further submitted that the petitioner has not only repeatedly proclaimed himself to be incarnation of Sri Guru Nanak Dev Ji but his speeches were recorded in various videos and audios which were put on social media and the repeated speeches made by him are totally contrary to the fundamentals of Sikh religion and therefore, would constitute an offence under Section 295A IPC. He submitted that in fact the petitioner has spread hatred and disharmony among the Sikh Community by uploading the videos on internet in public domain wherein he proclaimed

himself to be 12th Guru of the Sikhs. The declarations and speeches of the petitioner has caused hurt in the feelings of Sikh people since the same are insulting and injuring the religious emotions and beliefs of the Sikhs.

14. Learned *Amicus Curiae* further submitted that the petitioner in the petition itself has stated that there is only one religion on the earth which is the Sanatan Dharam and has openly claimed that Sikhism is not a religion and is only a Panth. He submitted that such kind of public declarations are aggressions on the religion and also infringement of freedom of religion as guaranteed under Article 25 of the Constitution of India. Learned *Amicus Curiae* also referred to Article 51-A of the Constitution of India which is a part of Fundamental Duties whereby vide clause (e) of Article 51-A, it is the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities and to renounce practices derogatory to the dignity of women. He submitted that the action of the petitioner was not only an offence under Section 295A IPC but was also unconstitutional. He further submitted that the effect of the speeches of the petitioner will be of spreading disharmony and hatred among different communities of the country especially in view of the fact that he has not only targeted one religion but has targeted all the religions in one go. He further submitted that the petitioner is under a constitutional obligation not to condemn and preach against other religions for causing and spreading disharmony and intolerance among different communities of India because this country is having unity in diversity which is the first and foremost object and aim of the Constitution of India.

15. He further submitted that the petitioner has rather taken

inconsistent and contradictory pleas in the present petition. In para no.3 of the petition, he has stated that he has not claimed himself to be a 12th Guru of Sikhs and at the same time, he has stated that he is reincarnation of Guru Nanak Dev Ji and in para no.11, he again stated that he is reincarnation of Guru Nanak Dev Ji but it *ipso facto* does not amount to deliberate and malicious intention of outraging the religious sentiments of any class of people. The learned *Amicus Curiae* submitted that the Sikhs are bound by the command made by the 10th Guru Sri Guru Gobind Singh Ji whereby there can be no further human Guru whereas the petitioner is claiming to be 12th Guru in his videos and therefore, it is a direct infringement of the feelings of Sikhs by way of causing insult by his actions. He further submitted that even the contents of the petition itself are derogatory and factually incorrect. While referring to para no.15 of the petition, he submitted that the petitioner has stated that Guru Nanak Dev Ji came as a messenger alongwith Kabir Ji whereas Kabir Ji was born in 1398 which was 71 years prior to the birth of Sri Guru Nanak Dev Ji in 1469 and there was no question of coming of Guru Nanak Dev Ji alongwith Kabir Ji. In this way, the petitioner has not only insulted the Sikh religion but has also insulted the Muslim religion as well and has tried to spread hatred among different communities through social media. Learned *Amicus Curiae* also submitted that the books relied upon by the petitioner are neither authenticated nor any original source of the text has been disclosed. The interpretation given in the books or by the petitioner was according to his own convenience and suitability which has not been accepted by the Sikh religion.

16. He further submitted that it is well documented that on 4th day

of October, 1708, Sri Guru Gobind Singh Ji had openly and publically declared at Abchal Nagar (Nander Sahib) that Shri Guru Granth Sahib Ji was as his Gadi Nashin. The 10th Guru had many followers and believers who were poets and literary persons and they were ordinarily at all times present and accompanying Sri Guru Gobind Singh Ji. Among them, Bhai Nand Lal and Prehlad Singh were prominent. Sri Guru Gobind Singh Ji used to dictate his teachings and verdicts to them. They used to note down in their note books whatever Guru Ji dictated. Bhai Prehlad Singh in his book known as 'Rehatnama Bhai Prehlad Singh' had written down that Guru Gobind Singh Ji had directed all his devotees/Sikhs to accept Guru Granth Sahib as their Guru after Guru Gobind Singh Ji. It is so written in 30th line of this Rehatnama that:

ਅਕਾਲ ਪੁਰਖ ਕੇ ਬਚਨ ਸਿਉਂ, ਪ੍ਰਗਟ ਚਲਾਯੋ ਪੰਥ
ਸਭ ਸਿਖਨ ਕੇ ਬਚਨ ਹੈ, ਗੁਰੂ ਮਾਨੀਅਹੁ ਗ੍ਰੰਥ।੩੦।

*“Akal Purakh Ke Bachan Sion, Pargat Chalaio Panth
Sabh Sikhan Ko Bachan Hai Guru Manyo Granth”.*

The aforesaid document/book is maintained in Gurudwara Hazur Sahib Nander in Maharashtra. Similarly, Guru Gobind Singh Ji dictated his verdict to his Darbari Poet Bhai Nand Lal Ji regarding definition of Khalsa i.e. Sikh. These verdicts have been written down in the 'Original Manuscript Bhai Nand Lal Ji Tankhahnama' maintained in Gurudwara Hazur Sahib Nander in Maharashtra. Bhai Nand Lal Ji has written down the words spoken by Sri Guru Gobind Singh Ji as follows:

ਜੇ ਸਿਖ ਗੁਰ ਦਰਸਨ ਕੀ ਚਾਹਿ | ਦਰਸਨ ਕਰੇ ਗ੍ਰੰਥ ਜੀ ਆਹਿ।...

ਜੇ ਮਮ ਸਾਥ ਚਰੇ ਕਰਿ ਬਾਤ | ਗ੍ਰੰਥ ਜੀ ਪੜ੍ਹੈ ਬਿਚਾਰਹਿ ਸਾਥ।੧੦।

Jo Sikh Darshan Ki Chahe, Darshan Kre Granth Ji Ahe.

Jo mam sath chahe kar bat, Granth ji Parhe Vichare Sath.”.

Means : that the Sikh who wishes to have glance of Guru, he should have glance at Granth Sahib. The Sikh who wishes to talk with me he should read and observe Granth ji”.

Source: “Guru Manyo Granth” by Dr. Rattan Singh Jaggi, published by Takhat Sri Hazur Abchal Nagar Sahib, Nander on the 300 years Gurta Gaddi Sri Guru Granth Sahib Ji.

17. Apart from the above, one more writing is available to corroborate this fact that the 10th Guru declared at Nander Sahib, Sri Guru Granth Sahib to be the spiritual Guru of Sikhs after him. This writing is known as 'Bhat Bahi Talanda Pargana Da' written by Narbad Singh Bhatt who was present with Guru Gobind Singh Ji at Nander when he wrote his Bahi. He has written that Guru Gobind Singh Ji directed Bhai Daya Singh to bring Guru Granth Sahib upon which Bhai Daya Singh brought Guru Granth Sahib and then Guru Sahib took five paisas and one Coconut and offered to Guru Granth Sahib and bowed down and said that it was his order to the followers/sangat that Guru Granth Sahib be considered as Guru in his place.

18. Similarly, Mata Sundri Ji wife of Guru Gobind Singh Ji also got dictated the verdict of Guru Gobind Singh Ji which is available safe with Chet Singh in Village Bhai Rupa in District Bhathinda and it was ordered by Guru Ji that 'Gur Meh App Somoay Shabad Vartaya' means that Guru Ji has dissolved or engulfed himself in the Shabad.

19. Learned *Amicus Curiae* further submitted that the aforesaid citations are written and quoted at page No.95 and 96 under Chapter-7 in the book written by Dr. Rattan Singh Jagi and published by Takhat Sachkhand Sri Hazur Abchal Nagar Sahib, Nander (Maharashtra) in 2008 at the time of celebration of 300th Gurta Gadi Sahib Sri Guru Granth Sahib Ji.

From the above, it is evident that after Guru Gobind Singh Ji, only Guru Granth Sahib Ji is considered and accepted as the next Guru which is now the living Guru. The emotions of the Sikhs are attached with Sri Guru Granth Sahib Ji as their Guru and when the petitioner claims himself repeatedly to be 12th Guru, then it caused serious injury to the sentiments of the Sikhs. He further submitted that in fact Guru Gobind Singh Ji was having very rich and farsighted vision that he closed the chapter of any human person being next living Guru of the Sikhs or otherwise there would have been numerous Gurus of the Sikhs as there would have been riots among different groups which would have been enough to erode the Sikh religion. The petitioner is doing the same thing by claiming to be Avtar of Sri Guru Nanak Dev Ji which is in total derogation of the command made by Sri Guru Gobind Singh Ji. Learned *Amicus Curiae* also relied upon a judgment of Hon'ble Supreme Court in ***Shiromoni Gurdwara Prabandhak Committee (Supra)***.

**Submissions made by learned
Deputy Advocate General, Punjab**

20. Mr. Sarabjit Singh Cheema, learned Deputy Advocate General, Punjab has submitted that a status report by way of affidavit of Assistant Commissioner of Police, Central, Amritsar has already been filed and while referring to the same, he submitted that the matter is still at the investigation stage. He submitted that after the petitioner joined the investigation in pursuance of the interim bail granted to him, an application for taking voice sample has been moved in the Court of learned ACJM, Amritsar and the learned Court has ordered to produce the petitioner before the Forensic Science Laboratory for the purpose of taking voice samples. The petitioner

has been produced before the Forensic Science Laboratory on 21.06.2023 and the report is still awaited. He further submitted while referring to the police proceedings attached with the FIR Annexure P-1 that the investigation agency has played and seen the videos and heard the audios upon which they arrived at a *prima facie* satisfaction that offence under Section 295-A IPC is made out. He has therefore prayed for the dismissal of the present petition particularly in view of the fact that the matter is still at the investigation stage.

Analysis of submissions

21. The petitioner in person and the counsels for the respondents as well as learned *Amicus Curiae* have been heard.

22. The prayer made in the present petition is for quashing of the FIR, even though the same is at the investigation stage. The law with regard to quashing of FIR is no longer *res integra*. The Hon'ble Supreme Court in ***State of Haryana and others Versus Bhajan Lal and others (Supra)*** described various categories of cases by way of illustration wherein such a power can be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Apart from the above, a note of caution was also made to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. It was further observed that the Court should not embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice. Para No.102 and 103 of the aforesaid judgment are reproduced as under:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that

there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice”.

23. The Hon'ble Supreme Court in ***Monica Kumar (Dr.) and another Versus State of Uttar Pradesh and others (Supra)*** reiterated and observed that powers possessed by the High Court under Section 482 Cr.P.C are very wide and the very plenitude of the power requires great caution in its exercise and the Court should always be careful to see that its decision in exercise of the power is based on sound principles. Such an inherent power should not be exercised to stifle a legitimate prosecution. It was further observed that the High Court being a highest Court of the State should normally refrain from giving a *prima facie* decision in a case where the

entire facts are incomplete and hazy and more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Para No.36 of the aforesaid judgment is reproduced as under:-

“36. We may reiterate and emphasise that the powers possessed by the High Court under Section 482 Cr.P.C are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its jurisdiction of quashing the proceeding at any stage. [See Janata Dal v. H.S. Chowdhary⁷; Raghubir Saran (Dr.) v. State of Bihar⁸; Kurukshetra University v. State of Haryana⁹; and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque¹⁰.]

24. The Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others (Supra)*** while dealing with the quashing of complaint/FIR and passing of interim orders observed that the power of quashing should be exercised sparingly with circumspection and in the rarest of rare cases. While examining an FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the

reliability or genuineness or otherwise of the allegations made in the FIR/complaint. It was further observed that the criminal proceedings ought not to be scuttled at the initial stage and quashing of a complaint/FIR should be an exception rather than an ordinary rule. It was further observed that save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. It was further observed that an FIR is not an encyclopedia which must disclose all the facts and details relating to the offence reported and therefore, when the investigation by the police is in progress, the Court should not go into the merits of the allegations in the FIR and the police should be permitted to complete the investigation. It was further held that when a prayer for quashing of the FIR is made by the alleged accused and the Court when it exercises power under Section 482 Cr.P.C, it only has to consider whether the allegations in the FIR disclose commission of cognizable offence or not. Para No. 80 of the aforesaid judgment is reproduced as under:-

“80. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C. while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;*
- ii) Courts would not thwart any investigation into the cognizable offences;*
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;*
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the `rarest of rare cases (not to be confused with the formation in the context of death penalty).*
- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;*
- vi) Criminal proceedings ought not to be scuttled at the initial stage;*
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;*
- ix) The functions of the judiciary and the police are complementary, not overlapping;*
- x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;*
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;*
- xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be*

premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C., 1973 is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C. only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under

Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C. while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of "no coercive steps to be adopted" within the aforesaid parameters, the High Court must clarify what does it mean by "no coercive steps to be adopted" as the term "no coercive steps to be adopted" can be said to be too vague and/or broad which can be misunderstood and/or misapplied.

25. In ***Ramji Lal Modi Versus State of U.P (Supra)*** the vires Section 295 A IPC was in question before a Constitution Bench of Supreme Court. The petition was filed under Article 32 of the Constitution of India seeking declaration that Section 295A IPC is ultra vires and unconstitutional and for a writ in the nature of certiorari for quashing the petitioner's conviction under that section. The petition was dismissed.

26. In the present case, the allegations against the petitioner are not only serious in nature but also having high magnitude. As per the allegations as stated above, the petitioner has deliberately and maliciously intended to

outrage the religious feelings of a particular class of people and has also insulted a religion and religious beliefs by way of words spoken and also by visible representations. Allegedly, the petitioner has stated himself to be reincarnation of Sri Guru Nanak Dev Ji and has also in video stated that whether by merely tying a turban a person would become a Sikh. The allegations against the petitioner are that he has intended to insult Sikh religion by using the words and also by visible representations those things which are totally contrary to the established basic fundamentals of Sikh religion. Learned Senior Counsel for the complainant and the learned *Amicus Curiae* have elaborately submitted that the statements and visible representations made by the petitioner that he is reincarnation of Sri Guru Nanak Dev Ji is only with the sole purpose of intending to outrage religious feelings of Sikhs by insulting their religion and religious beliefs because according to Sikh beliefs, after the 10th Guru Sri Gobind Singh Ji, the only Guru as so declared by the 10th Guru is Sri Guru Granth Sahib Ji which is a living Guru and there can be no human Guru after Sri Guru Gobind Singh Ji. Various references to literary works are also being made by the learned *Amicus Curiae* which are available at Takhat Sri Hazur Sahib, Nander which is a place where Guru Gobind Singh Ji declared that now henceforth Guru of Sikhs will be Guru Granth Sahib Ji. Some references have been made by the petitioner as well but those references are extracts from private publication which according to the learned Senior Counsel for the complainant are without any source/author and are not acceptable in Sikh religion.

27. The allegation against the petitioner is that he has so stated in his videos and audios and also at the opening of the present petition that he

is incarnation of Sri Guru Nanak Dev Ji and at the same time, he has so stated in para no.15 of the petition that God Almighty came as Sahib Kabir Ji alongwith his messenger Guru Nanak Dev Ji and that present Rampal Ji Maharaj is Avtar of Kabir Ji alongwith the present petitioner as his messenger and in this way, the petitioner has equated himself with Guru Nanak Dev Ji. However, the aforesaid Rampal is stated to be a habitual offender and convicted in two cases under Section 302 IPC and in two cases, he is an undertrial out of which one pertains to Arms Act, Explosive Substances Act and Unlawful Activities (Prevention) Act. The aforesaid Rampal has also lodged an FIR against the present petitioner under Section 420 IPC by making allegations that the petitioner and his friends have opened an Ashram in the name of Satlok Ashram in Himachal Pradesh and they are selling the books written by him using his photos to defraud innocent people for personal gains and without any authorization.

28. The provisions of Section 295A IPC are reproduced as under:-

“295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs — Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of ²[citizens of India], ³[by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ⁴[three years], or with fine, or with both.]

29. Guru Granth Sahib Ji is a holy compilation of many shabads of the Gurus and also different saints, scholars and writers. Some of these saints, scholars and writers were from other religions as well including

Hindus and Muslims. Guru Granth Sahib Ji is not just the holy scripture of the Sikhs but is a Final, Sovereign and Eternal living Guru following the lineage of the ten human Gurus. Guru Granth Sahib Ji is also worshipped by persons belonging to other religions as well. It contains words spoken by the Gurus and other scholars and writers and these shabads are called 'Gurbani' which means 'from the Guru's mouth'. It is believed to be the word of God and therefore infallible.

30. It was command of the 10th Guru Sri Guru Gobind Singh Ji that after him, there will be no human Guru and the only Guru will be Guru Granth Sahib Ji. The supremacy of Guru Granth Sahib Ji is accepted and followed by the Sikhs. Any departure made by any one from the aforesaid dictum amounts to causing hurt and insult to religion and religious beliefs. This Court finds support and strength from the judgments of Supreme Court, shabads from Guru Granth Sahib Ji and well acknowledged writings as referred by the learned *Amicus Curiae*.

31. The Hon'ble Supreme Court in ***Pritam Dass Mahant Versus Shiromani Gurudwara Prabhandhak Committee (Supra)*** discussed the basic principles of Sikhism which began with human Gurus and the transfer of Guruship to Sri Guru Granth Sahib Ji. It was so observed that now Sri Guru Granth Sahib Ji is the living Guru of the Sikhs. It was categorically observed that the Sikh Gurus have much in common with other preceptors in Indian tradition but their history and contribution is different and they are not Brahmins. They were ten in number each remaining faithful to the teachings of Guru Nanak Dev Ji, the first Guru and when their line was ended by a conscious decision of Guru Gobind Singh Ji, the last Guru, succession was invested in a collection of teachings which

was given the title of Guru Granth Sahib Ji. This is now the Guru of the Sikhs. It was further observed that an important characteristic of the teachings of the Sikh Gurus is their emphasis upon the message, the Bani and which made possible the transfer of Guruship to the scripture and that the human Gurus were the instruments through whom the voice of God became audible. Para No. 7 to 13 of the aforesaid judgment are reproduced as under:-

“7. One of the most fascinating aspects of Sikhism is the process which began with human Gurus, continued during the period of duality in which there were human Gurus and a collection of sacred writings and ended with the present situation in which full authority is enjoined by the scripture. In every respect the scripture is what the Gurus were.

8. Both the Gurus and the Book deserve respect, which they are accorded because of the Bani which they express, the word of divine truth. Therefore, it was possible for Guru Arjan, the fifth in the human line, to bow before the collection which he had compiled and installed in the newly built Darbar Sahib in 1604 for he was acknowledged the higher authority of the Bani due to the personal importance and significance which he possessed as Guru.

9. The Sikh Gurus have much in common with other preceptors in Indian tradition but their history and contribution is distinctive. They were not Brahmins, they did not see their calling to be that of expounding Vedas, they taught in vernacular not Sanskrit and their message was for everyone. They were ten in number each remaining faithful to the teachings of Guru Nanak, the first Guru and when their line was ended by a conscious decision of Guru Gobind Singh the last Guru, succession was invested in a collection of teachings which was given the title of Guru Granth Sahib. This is now the Guru of the Sikhs.

10. An important characteristic of the teachings of the Sikh Gurus is their emphasis upon the message, the Bani. It is this stress which made possible the transfer of Guruship to the scripture. The human Gurus were the instruments through whom

the voice of God became audible.

11. The holiest book of the Sikhs is Guru Granth Sahib compiled by the Fifth Master, Guru Arjan. It is the Bible of Sikh. After giving his followers a central place of worship, Hari-Mandir, he wanted to give them a holy book. So he collected the hymns of the first four Gurus and to these he added his own. Now this Sri Guru Granth Sahib is a living Guru of the Sikhs. Guru means the guide. Guru Granth Sahib gives light and shows the path to the suffering humanity. Wherever a believer in Sikhism is in trouble or is depressed he reads hymns from the Granth.

12. When Guru Gobind Singh felt that his worldly sojourn was near, he made the fact known to his disciples. The disciples asked him as to who would be their Guru in future. The Guru immediately placed five pies and a coconut before the holy Granth, bowed his head before it and said :

The Eternal Father willed, and I raised the Panth.

All my Sikhs are ordained to believe the Granth as their preceptor. Have faith in the holy Granth as your Master and consider it the visible manifestation of the Gurus.

He who hath a pure heart will seek guidance from its holy words. The Guru repeated these words and told the disciples not to grieve at his departure. It was true that they would not see his body in its physical manifestation but he would be ever present among the Khalsas. Whenever the Sikhs needed guidance or counsel, they should assemble before the Granth in all sincerity and decide their future line of action in the light of teachings of the Master, as embodied in the Granth. The noble ideas embodied in the Granth would live for ever and show people the path to bliss and happiness.

13. Temples are found almost in every religion but there are some differences between the Sikh temples and those of other religions. The Sikh Gurdwaras have the following distinctive features :

(1) Sikh temples are not the place of idol worship as the Hindu temples are. There is no place for idol worship in a Gurdwara. The central object of worship in a Gurdwara is Sri Guru Granth Sahib, the holy book. The pattern of worship consists of two main items : reading of the holy hymns followed by their explanation by some

learned man, not necessarily a particular Granthi and then singing of some passages from the Holy Granth. The former is called Katha and the second is called Kirtan. A Sikh thus worships the Holy Words that are written in the Granth Sahib, the Words or Shabada about the Eternal Truth or God. No idol or painting of any Guru can be worshipped.

(2) Sikh worship in the Gurdwara is a congregational worship, whereas Hindu temples are meant for Individual worship. A Sikh does the individual worship at home when he recites Gurbani daily. Some scriptures meant for this purpose are Japji, Jaap, Rehras, Kirtan Sohila. Sangat is the collective body of Sikhs who meet every day in the Gurdwara.

(3) Gurdwara is a place where a copy of Guru Granth Sahib is installed. The unique and distinguishing feature would always be the Nishan Sahib, a flagstaff with a yellow flag of Sikhism flying from it. This serves as a symbol of the Sikh presence. It enables the travellers, whether they be Sikhs or not, to know where hospitality is available. There may be complexity of rooms in a Gurdwara for the building may also serve as a school, or where children are taught the rudiments of Sikhism as well as a rest centre for travellers. Often there will be a kitchen where food can be prepared though langar itself might take place in the yawning. Sometimes the Gurdwara will also be used as a clinic. But its pivotal point is the place of worship and the main room will be that in which the Guru Granth Sahib is installed where the community gathers for diwan. The focal point in this room will be the book itself.

(emphasis supplied).

32. Thereafter, again the Hon'ble Supreme Court had an occasion to deal with this issue in ***Shiromoni Gurdwara Prabandhak Committee, Amritsar Versus Som Nath Dass and others (Supra)***. While referring to the judgment in ***Pritam Dass Mahant Versus Shiromani Gurudwara Prabandhak Committee (Supra)*** again discussed by observing that silver lining of a religion can easily be picked up and observed that first of such

most revered Gurus was Guru Nanak Dev Ji, followed by succeeding Gurus, the tenth being the last living i.e. Guru Gobind Singh Ji. It is said that Adi Granth or Guru Granth Sahib was compiled by the fifth Guru Arjun Dev Ji and it is this book that is worshipped in all the Gurudwaras. It was specifically observed by the Hon'ble Supreme Court that the last living Guru, Guru Gobind Singh Ji expressed in no uncertain terms that henceforth there would not be any living Guru. Para No.31 to 34 of the aforesaid judgment are reproduced as under:-

“31. Now returning to the question, whether Guru Granth Sahib could be a "Juristic Person" or not, or whether it could be placed on the same pedestal, we may first have a glance at the Sikh religion. To comprehend any religion fully may indeed be beyond the comprehension of any one and also beyond any judicial scrutiny for it has its own limitations. But its silver lining could easily be picked up. In the Sikh religion, Guru is revered as the highest reverential person. The first of such most revered Gurus was Guru Nanak Dev, followed by succeeding Gurus, the Tenth being the last living, viz., Guru Gobind Singh Ji. It is said that Adi Granth or Guru Granth Sahib was compiled by the fifth Guru Arjun and it is this book that is worshipped in all the gurudwaras. While it is being read, people go down on their knees to make reverential obeisance and place their offerings of cash and kind on it, as it is treated and equated to a living Guru. In the Book A History of the Sikhs by Kushwant Singh, Vol. I, p. 307 it is said:

"The compositions of the Gurus were always considered sacred by their followers. Guru Nanak said that in his hymns 'the turn Guru manifested Himself, because they were composed at His orders and heard by Him' (Var Asa). The fourth Guru, Ram Das said : 'Look upon the words of the True Guru as the supreme truth, for God and the Creator hath made him utter the words' (Var Gauri). When Arjun formally installed the Granth in the Hari Mandir, he ordered his followers to treat it with the same reverence as

they treated their Gurus. By the time of Guru Gobind Singh, copies of the Granth had been installed in most gurdwaras. Quite naturally, when he declared the line of succession of gurus ended, he asked his followers to turn to the Granth for guidance and look upon it as the symbolic representation of the ten gurus.

The Granth Sahib is the central object of worship in all gurdwaras.

It is usually draped in silks and placed on a cot. It has an awning over it and, while it is being read, one of the congregations stands behind and waves a flywhisk made of Yak's hair. Worshippers go down on their knees to make obeisance and place offerings of cash or kind before it as they would before a king : for the Granth is to them what the gurus were to their ancestors - the Saccha Padshah (the true Emperor)."

32. The very first verse of the Guru Granth Sahib reveals the infinite wisdom and wealth that it contains as to its legitimacy for being revered as Guru. The first verse states :

"The creator of all is One, the only One. Truth is his name. He is doer of everything. He is without fear and without enmity. His form is immortal. He is unborn and self-illuminated. He is realised by Guru's grace."

33. The last living guru, Guru Gobind Singh, expressed in no uncertain terms that henceforth there would not be any living guru. The Guru Granth Sahib would be the vibrating Guru. He declared that "henceforth it would be your Guru from which you will get all your guidance and answer." It is with this faith that it is worshipped like a living guru. It is with this faith and conviction, when it is installed in any gurudwara it becomes a sacred place of worship. Sacredness of Gurdwara is only because of placement of Guru Granth Sahib in it. This reverential recognition of Guru Granth Sahib also opens the hearts of its followers to pour their money and wealth for it. It is not that it needs it, but when it is installed, it grows for its followers, who through their obeisance to it, sanctify themselves and also for

running the langar which is an inherent part of a Gurdwara.

(emphasis supplied).

33. A Division Bench of this Court in ***Master Aman Preet Singh Versus Government of India (Supra)*** had an occasion to deal with a situation where there were derogatory remarks regarding Sri Guru Gobind Singh Ji in the text books of NCERT which were under challenge. The writ petition was allowed and the derogatory remarks were directed to be omitted. While dealing with the fundamentals of Sikh religion, it was observed that it is acknowledged that religion is an essential element of the Indian culture and its polity and evolution of the concept of secularism in India has to be ascertained in the light of the past history. Sikhism is an important constituent of the Indian polity comprised of various religions. Guru Gobind Singh Ji is admittedly the most revered, respected and last Guru of Sikhs and the State is under a Constitutional obligation to preserve and protect the interest of Sikh Community. Para No.9 and 10 of the aforesaid judgment are reproduced as under:-

“9. The argument, though half-heartedly addressed has not persuaded us to refrain from deciding the writ petition on merits.

The Preamble of the Constitution declares:-

"WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens..." The establishment of a secular democratic republic is a solemn declaration of the people of India. Secularism postulates and is erected on the foundation of tolerance. Respect for the sentiments of all religious communities is the foundation of a secular polity. Deviation from the basic principles of tolerance and respect for all religions would negate the purpose for

which the people of India gave to themselves the Constitution of India. It is acknowledged that religion is an essential element of the Indian culture and its polity. The evolution of the concept of secularism in India has to be ascertained in the light of the past history, based upon the spirit of tolerance and liberalism. In Suresh Chandra Chiman Lal Shah v. Union of India and others, AIR 1975 Delhi 168, it was observed that secularism in India developed as a part of nationalism and Freedom Movement, which assured protection to the minorities and neutrality of the State in regard to all religions. The Court referred to the resolution of the Congress passed in 1931 at Karachi, the observations of Setalvad in his book of "Secularism" and other authors. It was held:-

"The Debates in the Constituent Assembly show that "what was intended by the Constitution was not the secularisation of the State in the sense of its complete disassociation from religion, but rather an attitude of religious neutrality with equal treatment to all religions and religious minorities". Secularism p.18.

It is perhaps because the word "secular" was associated with the Western concept that it was not used to describe the character of Indian Constitution in the same way that the word "Socialism" was not used in the Constitution because of the diverse meanings which can be attached to it. In 1961 Dr. Radhakrishnan in his capacity as the Vice President of India said:-

"I want to state authoritatively that secularism does not mean irreligion. It means we respect all faiths and religions. Our State does not identify itself with any particular religion." Cited at page 127 in "Secularism in India" edited by V.K. Sinha (1968).

10. It cannot be denied that in India prior to the framing of the Constitution, various communities were identified on the basis of religion. Sikhism is admittedly an important constituent of the Indian polity, comprised of various religions. Guru Gobind Singh is admittedly the most

revered, respected and last Guru of Sikhs. The State is under a constitutional obligation to preserve and protect the interest of Sikh community. While protecting their interests, the respondent/authorities are under an obligation to refrain from becoming a party to such controversial writing, which may ultimately hurt the feelings of the Sikh community as a whole or a part of it. The writings about religious Gurus cannot be permitted to be justified on the basis of disputed and debatable historical truths, lest it may destroy the very secular fabric of the Constitution. It does not mean that the historians can be refrained from making research or expressing their opinions, based upon such research. The purpose of writing has to be seen in the context for whom it is meant and under what circumstances it is intended to be published. Every truth cannot be permitted to be publicised if it infringes the fundamental rights as enshrined in Part-III. Self-restraint is expected in matters like religion, particularly when they are apprehended to affect the sentiments of a section of the society, forming part of the Indian polity”.

(emphasis supplied)

34. The Sikhs believe in One Guru Light i.e the Jyot. In the Bhatt Savaiyay contained in Sri Guru Granth Sahib Ji, Guru Nanak Dev Ji is referred to as the embodiment of the Jyot as follows:

ਜੋਤਿ ਰੂਪਿ ਹਰਿ ਆਪਿ ਗੁਰੁ ਨਾਨਕੁ ਕਹਾਯਉ ॥

Joth Roop Har Aap Guroo Naanak Kahaayo ||

The Embodiment of Light, the Lord Himself is called Guru Nanak.

(Ang (Page) 1408)

The same Jyot was in the nine Guru-persons after Sri Guru Nanak Dev Ji. The start of the Guru succession process is described as follows:

ਨਾਨਕ ਤੂ ਲਹਣਾ ਤੂਹੈ ਗੁਰੁ ਅਮਰੁ ਤੂ ਵੀਚਾਰਿਆ ॥

Naanak Too Lehanaa Toohai Gur Amar Too veechaariaa ॥

You are Nanak, You are Angad, and You are Amar Daas; so do I recognize You.

(Ang (Page) 968)

According to Sikh religion, the Jyot now resides in Sri Guru Granth Sahib Ji which is the Shabad Guru (Word Guru). Gurbani is a truthful Guru as acknowledged right from the beginning.

Shabad of Guru Ramdas Ji who was the fourth Guru incorporated in Sri Guru Granth Sahib Ji, is as follows:

ਬਾਣੀ ਗੁਰੁ ਗੁਰੁ ਹੈ ਬਾਣੀ ਵਿਚਿ ਬਾਣੀ ਅੰਮ੍ਰਿਤੁ ਸਾਰੇ ॥

bānī guru guru hai bānī vich bānī anmrit sārē.

The Word, the Bani is Guru, and Guru is the Bani. Within the Bani, the Ambrosial Nectar is contained.

ਗੁਰੁ ਬਾਣੀ ਕਹੈ ਸੇਵਕੁ ਜਨੁ ਮਾਨੈ ਪਰਤਾਖਿ ਗੁਰੁ ਨਿਸਤਾਰੇ ॥੫॥

gur bānī kahai sēvak jan mānai paratakh guru nisatārē.5.

If His humble servant believes, and acts according to the Words of the

Guru's Bani, then the Guru, in person, emancipates him. ||5||

(Ang (Page) 982)

Similarly Shabad of the third Guru Amardas Ji in Gujri Ki Vaar is as follows:

ਵਾਹੁ ਵਾਹੁ ਬਾਣੀ ਨਿਰੰਕਾਰ ਹੈ ਤਿਸੁ ਜੇਵਡੁ ਅਵਰੁ ਨ ਕੋਇ ॥

vah vāh bānī nirankar hai tis jēvad avar n kōi.

Waaho! Waaho! is the Bani, the Word, of the Formless Lord. There is no other as great as He is.

ਵਾਹੁ ਵਾਹੁ ਅਗਮ ਅਥਾਹੁ ਹੈ ਵਾਹੁ ਵਾਹੁ ਸਚਾ ਸੋਇ ॥

vāh vāh agam athāh hai vāh vāh sachā sōi.

Waaho! Waaho! The Lord is unfathomable and inaccessible. Waaho! Waaho!

He is the True One.

(Ang (Page) 515)

Conclusion

35. The allegations against the petitioner in the FIR based on video and audio recordings which are in public domain and also averments made in the present petition itself are undoubtedly serious in nature. An act of sacrilege, if any, and irrespective of any religion is a serious and heinous offence especially because it affects large section of society. It has been submitted by the learned Deputy Advocate General, Punjab, that the investigating agency has seen and heard the videos and audios wherein the petitioner was proclaiming himself to be 12th sect and incarnation of Guru Nanak Dev Ji and on being *prima facie* satisfied that offence under Section 295-A IPC which is a cognizable offence has been committed, further investigation is being carried out.

36. In view of the above, the prayer of the petitioner in the present case for quashing of the FIR does not satisfy the tests and guidelines laid down by the Hon'ble Supreme Court in ***State of Haryana and others Versus Bhajan Lal and others (Supra), Monica Kumar (Dr.) and another Versus State of Uttar Pradesh and others (Supra) and Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others (Supra)***. This Court does not find any reason or ground to invoke its jurisdiction under Section 482 Cr.P.C for quashing of FIR.

37. Consequently finding no merit in the present petition, the same is hereby dismissed. However, it is upto the trial Court at the time of trial, if

any, to ascertain whether the allegations against the petitioner in the FIR are proved or not in accordance with law.

07.10.2023

rakesh

Whether speaking

Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

:

:

Yes/No

Yes/No