



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.59147 of 2024
Date of decision: 09.01.2025

HANESH MEHTA @ SHERU**.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Komalpreet Singh, Advocate for the petitioner.

Ms. Swati Batra, D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.134 dated 10.11.2024 registered under Section 229 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') , at Police Station Goraya, District Jalandhar Rural.

2. Vide order dated 27.11.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 27.11.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-'BNSS') for grant of anticipatory bail in case arising out of FIR No.134 dated 10.11.2024 registered under Section 229 of Bharatiya Nyaya Sanhita, 2023 (for short-'BNS') , at Police Station Goraya, District Jalandhar Rural.



As per the prosecution case, aforementioned FIR was registered on the basis of complaint filed by the complainant-Som Nath @ Somi alleging therein that the present petitioner had forwarded an audio recording in Goraya Dussehra Committee WhatsApp group of which the complaint was a member. In this voice recording, he had uttered derogatory words qua Mahant Shri Vasu Dev Dass, who was the Gaddi Nashin of Shri Ram Mandir, Rishi Kutiya, Goraya. By sending such recording, he had hurt the religious feelings of the community to which complainant belongs and had made attempt to insult their religious beliefs. Hence, the complainant prayed for taking action in the matter. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide order dated 20.11.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to political pressure. He did not use any slanderous words against any community or person. He himself is a staunch believer of his religion. He has been used as a ploy to serve political vendetta of the members of the complainant party. The ingredients for commission of offence under Section 299 of BNS have not been made out against him. His custodial interrogation is not required. He is ready to join the investigation. No useful purpose would be served by detaining him



in custody. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

As per Section 299 of BNS, any person who with deliberate and malicious intention of outraging the religious feelings of any person or class of persons, insults or attempts to insult the religion or religious beliefs of that class by words, either spoken or written, or by signs or by visible representations or otherwise is liable for punishment. This provision does not penalise any and every act of insult or attempt to insult to the religion or the religious beliefs of a class of persons but it penalizes 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 a deliberate and malicious intention of outraging the religious feelings of a class. The petitioner has placed a transcript of the audio recording which is alleged to be insulting to the religious feelings of the complainant's community. On going through the same, in the opinion of this Court it is a debatable question that as to whether the provisions of Section 299 are attracted or not ?

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 19.12.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one



week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Status report dated 16.12.2024 filed on behalf of respondent-State is taken on record.
4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 02.12.2024 and he is not required for custodial interrogation.
5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 27.11.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

09.01.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No