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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28271 of 2021 (O&M)

Ashwani Kumar Sharma ... Petitioner

Versus

State of Punjab and another ... Respondents

1.	The date when the judgment is reserved	15.01.2026
2.	The date when the judgment is pronounced	20.01.2026
3.	The date when the judgment is uploaded on the website	20.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kanwaljit Singh, Senior Advocate with
Ms. Muskan Sharma, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

None for respondent No.2.

MANISHA BATRA, J.

1. The instant petition has been filed under Section 482 of Code

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of Criminal Procedure seeking quashing of FIR No.110 dated 10.07.2021 registered under Section 295-A of IPC at Police Station Bullowal, District Hoshiarpur and all the subsequent proceedings having emanated therefrom.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Sandeep Sandhu (Babbu Ajjowal), President of Bhartiya Valmiki Dharam Samaj alleging that on 12.06.2021, he heard one recording on his facebook account wherein the petitioner was narrating story about Lord Balmiki by saying that he was previously a thief/dacoit. He was using loudspeakers at that time. By alleging that the petitioner intended to outrage religious feelings of members of the Balmiki community, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner joined investigation and was extended benefit of anticipatory bail.

3. It is argued by learned counsel for the petitioner that he is believer of Shri Om Darbar, Nanda Chaur Dham. He has spiritual inclinations and gives sermons whenever he visits Shri Om Darbar, Hoshiarpur. He has grip on Hindu religious history and granthas. He had given a pravachan/sermons for 52 minutes on 01.02.2021. He had no malice to bring disrepute to any religion. The sermons were given by him on the basis of research carried out by several scholars and as mentioned in the granthas that Lord Balmiki who was previously involved in looting and killing persons, had come into contact with a saintly person and had attained

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eternity and this was what that had been uttered by him. He being associated with Shri Om Darbar even celebrates birthday of Lord Balmiki with pomp and show. The ingredients for commission of subject offence are not attracted against him. FIR has been lodged by twisting the real facts. There has been no deliberate or malicious act with intent to outrage the religious feelings of any person. The prosecution has been launched against him to abuse the process of law. There are no chances of his conviction. It is, therefore, argued that the petition deserves to be allowed and the impugned FIR and the proceedings initiated on the basis of the same are liable to be quashed. To fortify his arguments, learned counsel for the petitioner places reliance upon judgment cited as ***Mahendra Singh Dhoni v. Yerraguntla Shyamsundar***, 2017 (2) R.C.R. (Criminal) 746; ***Ramji Lal Modi v. State of U.P.***, AIR 1957 SC 620; ***Jai Ram Sharma v. State of Punjab***, 1998(3) R.C.R. (Criminal) 295; ***Manjula Sahdev and others v. State of Punjab and another***, CRM-M-18590-2010 decided on 23.04.2019; ***Saint Gurmeet Ram Rahim Singh Insan v. State of Punjab and another***, Law Finder Doc Id # 2383630; ***Rana Jung Bahadur v. State of Punjab***, 2024 NCPHHC 101751; ***Tilak Raj v. State of Punjab and another***, CRM-M No.46173 of 2019 decided on 28.02.2020 and ***Manish Kumar Singh and another v. State of Chhattisgarh***, Law Finder Doc Id # 2801831.

4. The respondent No.2 had been duly served and had been appearing through counsel. However, from the last two effective dates of hearing, none has appeared on his behalf neither any reply has been filed by this respondent. The respondent No.1-State filed reply contesting the

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petition. It is argued by learned Senior Deputy Advocate General, Punjab that the petitioner had used disrespectful and offensive words with deliberate and malicious intent while speaking about Lord Balmiki thereby causing discomfort and hurting the sentiments of the complainant. The allegations make out a prima facie for commission of subject offence against him. No ground for allowing the petition is made out. It is, hence, stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. At the outset, it would be proper to refer to Section 295A of Indian Penal Code which criminalizes and punishes deliberate and malicious act intended to outrage religious feelings of any class by insulting its religion or religious beliefs. As per this provision, any person who with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, 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 belief of that class is liable for punishment. On going through the contents of this provision, it is clear that to attract the mischief thereof, the following ingredients have to be satisfied:-

- “(i) making of a publication by words either spoken or written or by signs or by visible representation or otherwise;
- (ii) such publication must insult or attempt to insult the religion or religious beliefs of any class of citizens of India; and
- (iii) such publication must be made with deliberate and malicious intention of outraging the religious feelings of that class.”

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7. In order to bring a case within the purview of Section 295-A of IPC, the manner of the publication is to be seen. The words published must be such as are bound to be regarded by any reasonable man to be offensive and provocative and further made with intent to maliciously and deliberately outraging the feelings of any class of citizens of India.

8. In the instant case, the petitioner is a religious preacher who was attached with Shri Om Darbar, Hoshiarpur and has been delivering spiritual discourses. On 01.02.2021, he has delivered a discourse. The relevant part of transcript of this discourse has been placed on record by the petitioner as Annexure P-1 and a compact disc containing the same has also been annexed with the same. This transcript reads as under:-

“Ram Naam ke Hire Moti Main Bikhraun Gali Gali, Lelo re Koi Ram Ka Pyara Shor Machaun Gali Gali.

(I am scattering the diamonds and pearls of the name of Ram in the street. Take it, someone beloved one of Ram. I am making noise of the Name of Ram in every street).

Bapu Shradha Ram Ji Maharaj – Recite the name of Ram, Ram, Ram.

10 thousand years before Rama’s incarnation on earth, Valmiki Ji came to earth, if Valmiki being a Thief-Dacoit, changed himself by chanting Rama’s name in the company of saints, got salvation, then can we human beings not get salvation from chanting Rama’s name rightly. Cannot make our life successful? Get up Chant the name of Ram and make your life successful.”

9. On a perusal of this transcript, it is clear that while giving his discourse to encourage his disciples, the petitioner had referred that life of Lord Balmiki had also been changed by taking the name of Lord Rama.

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Pertinently, while giving this discourse, the petitioner is shown to have provided an illustrative incident involving Lord Balmiki which forms the core of the FIR in question.

10. The main question before this Court is as to whether the petitioner while delivering the discourse, harbored a deliberate and malicious intent to incite or outrage among any segment of populace on account of their religious belief. In this context, it may be observed that the references to life story of Lord Balmiki are made as a source of inspiration. The story as to his transformation from a dacoit to revered saint and as celebrated author of Adi Ramayana has been mentioned in various Scriptures and literary works. The discourse by the petitioner clearly appears to have been made with an intention to encourage his disciples to take the name of Lord Rama. For salvation, reference has been made to the story of Lord Balmiki for drawing inspiration for weeding out negative propensities and inducing positive qualities. No mala fide can be attributed to the petitioner and the utterances attributed to him, cannot be said to have been made with deliberate and malicious intention to hurt the religious feelings of any other person. Even if the allegations made against the petitioner in the FIR are accepted as true, still in view of the attendant facts and circumstances, the essential ingredients of Section 295-A of IPC are not satisfied in my opinion.

11. It is also pertinent to point out that the total discourse of the petitioner was of 52 minutes. It is required to be analyzed comprehensively

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and the alleged malicious intent on his part shall have to be inferred on a proper context rather than isolated excerpt, which purportedly caused offence to the complainant. The complainant while lodging the FIR, has, however, selectively extracted disconnected segment of the discourse and presented them without proper context. The narration as made by the petitioner cannot be stated to be a product of petitioner's imagination nor it contains any exaggerated elements. As such, it cannot be said to have been delivered with malicious content.

12. In ***Mahendra Singh Dhoni's*** case (Supra), the Hon'ble Supreme Court had observed that only those acts of insult to the religion are punishable which are perpetrated with deliberate and malicious intention of outraging the religious feelings of that class of citizens. In ***Ramji Lal Modi's*** case (Supra), it was observed that Section 295-A of Indian Penal Code fell within the protection of Clause (2) of Article 19 of Constitution of India. In ***Jai Ram Sharma's*** case (Supra), the petitioner had written a story on the life of Maharishi Balmiki by also narrating events when he had not adopted saintly life. It was observed by a Coordinate Bench of this Court that no deliberate attempt with malicious intention to outrage the religious feelings of any of the individuals who believed in ideology of Maharishi Balmiki was made and to incorporate a commentary aspect of one's life into a book could not be termed as if one intended to outrage maliciously the religious feelings of a community. In ***Manjula Sahdev and others'*** case (Supra), this Court had relied upon ***Manohar Lal Sharma v. Sanjay Leela Bhansali and***

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others, (2018) 1 SCC 770, wherein it was observed that a story told on celluloid or a play enacted on a stage or a novel articulated in a broad and large canvas or epic spoken with eloquence or a poem sung with passion or recited with rhythm has many a layer of freedom of expression of thought that requires innovation, skill, craftsmanship and, above all, individual originality founded on the gift of imagination or reality transformed into imagination or vice versa. The platform can be different and that is why, the creative instinct is respected and has the inherent protective right from within which is called artistic licence. In ***Saint Gurmeet Ram Rahim Singh Insan's*** case (Supra), the petitioner who was a religious preacher, had given a discourse referring to some incidents involving Sant Kabir Das and Guru Ravidas. An FIR was lodged against him under Section 295-A of Indian Penal Code. It was observed by this Court that there was no malicious intent and the discourse aimed at spiritual enlightenment rather than insult. FIR and proceedings were quashed.

13. The petitioner is seeking quashing of FIR under the provisions of 482 of Criminal Procedure Code. In **State of Haryana and others v. Ch. Bhajan Lal and others (SC)**, 1991 (1) RCR (Criminal) 383, Hon'ble Supreme Court has observed as under:-

"107. 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

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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 F.I.R. 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 F.I.R. 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 F.I.R. 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

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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."

14. In view of the above discussed judicial precedents, the peculiar facts and circumstances of the case, this Court is of the considered opinion that the continuation of proceedings against the petitioner will be gross abuse of process of law resulting in miscarriage of justice as the necessary ingredients to constitute offence under Section 295-A of IPC are missing. In view of the above, the petition is allowed. FIR No.110 dated 10.07.2021 registered under Section 295-A of IPC at Police Station Bullowal, District Hoshiarpur and all the subsequent proceedings arising therefrom are hereby ordered to be quashed.

15. Miscellaneous application(s), if any, also stand disposed of.

(MANISHA BATRA)
JUDGE

20.01.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No