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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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SANJAY RAI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvind Pal Singh Grover, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Mrigank Sharma, Advocate for the complainant.


The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.152, dated 23.12.2022, under Section 295-A of the IPC, 1860, registered at Police Station Sadar Division E, District Police Commissionerate Amritsar, (Annexure P-1).

The contents of the FIR reproduced as under:-

*“Application No. 417-PC-CDDated 09.09.22, 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, Tehsil Indora,*

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District Kanga (Himachal Pradesh) (Photocopy of which is enclosed 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 against 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. The application alongwith necessary documents was given by Secretary, Shiromani Gurdwara Prabandhak Committee, Sri Amritsar Commissioner of Police, to the Hon'ble Amritsar City. The Hon'ble Commissioner of Police, Amritsar City marked the application to ACP Cyber Crime Amritsar City for investigation. The ACP wrote in his report that the incident in the application being related to Police Station E-Division, Amritsar sent his report to the Hon'ble Commissioner regarding sending the same to concerned police station. The office of Hon'ble Commissioner of Police, Amritsar by putting No. 417-PC-CD, Dated 9.9.22 sent the application to Station House Officer Police Station E-Division and on receiving the said application alongwith documents at police station by post, was sent to the Incharge Police Post Galiara for enquiry. Incharge Police Post Galiara during the course of enquiry wrote in his report that on summoning the applicant party and opposite party I have recorded their statements and perused the Pen drive and four pages translated in Hindi presented by Hitender Atri of applicant party. That from statements and perusal of video made by Sanjay Rai while making the propaganda in the Santlok Ashram, it has been found that during

propaganda Sanjay Rai by showing the video shows himself as incarnation of Sri Guru Nanak Dev ji Maharaj and claims himself in coming 12th Sect and also preaches for the same and he by making this video of propaganda also viral the same on social media. Alongwith him his another associate Sachin to whom he states the soul of Sukhdev Rishi also helps him and also upload video on social media. Many things of his

propaganda spoken in the video in Pen drive and 04 papers of propaganda duly typed in Hindi are objectionable, because he says himself that his first birth is of Amirishi ji, second birth is of Raja Janak and third birth is of Nanakji and his fourth life is of Sanjay and time and again in his Audio and Video and written preaching he claims himself as the soul of Nanak and he also claims that he has been speaking this thing since many years and says that he is soul of Nanak ji and he is in the form of Satguru on this earth and Dass (he) is His servant i.e. God and we come in twelfth sect and thirteenth sect also Sant Mora Mora Hans Mora Bhagat Mora Dass Hoga 13th sect, which he shows by himself. In the Audio in Pendrive, Sanjay Rai also insults the turban of Sikh religion and is speaking that mere wearing of turban anyone becomes Sikh? and besides this he is also misleading the people by saying that meat is served in Gurdawaras. This Sanjay Rai by misleading the people and by saying of having entered the soul of Guru Nanak Dev ji in himself and by insulting the Sikh community is hurting the prestige and honour of Sikhs and says that he is serving the God and he also preaches that facts which he is saying it has reference in the tales of Sikh community and the God has assigned him the duty to intimate the entire earth because there is proof of Granths regarding his this service. He by doing so and by misleading the innocent people is exploiting them. Due to his doing such the resentment feelings is creating in whole Sikh Society and due to his doing so there is apprehension of creating big trench in Hindu, Sikh and other religious. Besides this he had also replied to the questions raised by me and recorded to the reply of Question No.04 in his in statement that its only Dass Sanjay who is the soul of Guru Nanak Dev ji. In the previous birth my name was Nanak and in this birth my name is Sanjay, which can

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be proved from knowledge, Knowledge provided by Almighty God and internal solution as to whether the Dass is Nanak ji or not. That from the statements acquired during enquiry, Video presented in the Pendrive and Hindi Translation in 04 pages presented by Hitender Atri it has been found that Sanjay Rai son of Raj Muni Rai, by making the Dera named Sant Lok Ashram in village Palakhi District Indora District Kangra, is doing his propaganda, and during propaganda he by showing himself as soul of Guru Nanak Dev ji in himself and also by telling himself as his Twelfth incarnation is doing false propaganda, due to which he is promoting show-off and also by looting the innocent people is also exploiting them and he also through video in the name of propaganda made in the Ashram made by him is uploading the video on social media. Due to his doing so, the resentment feeling is creating in the entire Sikh Society and due to his doing so there is apprehension of creating a big trench in both the religious. Thus the application alongwith the statements acquired, pen drive, report of Research Scholar and Hindi translated papers made from Video by Hitender Atri are being sent to you and it is requested after obtaining the legal opinion from Hon'ble DA Legal in this regard it is recommended to take legal action in this regard. Report is submitted. Sd/- Harjit Singh Chowki Galiara, District Amritsar Dated 12.10.2022 and he sent his report to the Station House Officer E-Division. The Station House Officer of Police Station while agreeing with the report of Incharge Police Post Galiara sent his report to the Hon'ble ACP Central and the Hon'ble ACP while agreeing with the report of Station House Officer Police Station E-Division sent the report to Hon'ble DCP HQ, Amritsar City who while agreeing with the report of ACP Central wrote in his report that from the statements acquired by the Enquiry Officer during enquiry, video presented in the Pendrive and Hindi Translation in 04 pages which have been presented by Hitender Atri it has been found that Sanjay Rai son of Raj Muni Rai, by making the Dera named Sant Lok Ashram in village Palakhi District Indora District Kangra, is doing his propaganda, and during propaganda he by showing himself as soul of Guru Nanak Dev ji in himself and also by telling himself as his Twelfth incarnation is doing false propaganda, due to which he is

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promoting show-off and also by looting the innocent people is also exploiting them. Who also by preparing video in the name of propaganda made in the Ashram made by him is uploading the video on social media wherein he by showing himself as incarnation of Sri Guru Nanak ji is claiming of having 12th Sect. Due to his doing so, the resentment feeling is creating in the entire Sikh Society and due to his doing so there is apprehension of creating a big trench in both the religious. Thus the application alongwith the statements acquired, pen drive, report of Research Scholar and Hindi translated papers made from Video by Hitender Atri are being sent to you and after obtaining the legal opinion from Hon'ble DA Legal in this regard, necessary directions be given for taking legal proceedings. Report is submitted for necessary order. Sd/- Deputy Commissioner of Police, HQ Amritsar 02.11.2022. He after preparing his report sent to the Hon'ble Commissioner of Police Amritsar City. The Commissioner of Police Amritsar after writing on the report "Examine and Comments Pl. Dy. DA (L) Sd/- Commissioner of Police Amritsar 9.11.22 sent it to DA Legal. The DA Legal after perusing the enquiry report, wrote in his report that "Subject: Regarding 417-PC-CD Dated 09.09.22, Sir, I have carefully seen the enquiry report of Deputy Commissioner of Police HQ, Amritsar City and documents attached therewith. On the basis of enquiry report as per my legal opinion an offence under section 295A IPC is found to be committed in this case by Sanjay Rai son of Raj Muni Rai, if approved." Hon'ble Commissioner of Police Amritsar, Sd/- District Attorney (Legal) Amritsar 21.12.22 and sent his report back to Hon'ble Commissioner of Police, Amritsar. After writing "Approved SHO E-Division for n/a as per law Sd/- Commissioner of Police Amritsar City 23.12.22" on the report of DA Legal was sent to for registration of case. TODAY AT POLICE STATION: On the receipt of aforesaid application at police station by post after registering the above case under aforesaid sections against, the original letter alongwith copy of FIR are being sent to SI Paramjit Singh 1146/ASR Incharge PP Galiara through HC Sarabjit Singh 1269 and special reports after being issued are sent to the Illaga Magistrate and senior officers through HC Lovepreet

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Sahota 1745. The Station House officer and Control Room have been informed. Completion report no.23.12.22 time 7:55 PM.”

The allegations qua the petitioner is that he is claiming himself to be the incarnation of Guru Nanak Dev Ji's soul and on that account an FIR has been registered against him alleging that he is insulting Sikh community by misleading the people and hurting the religious sentiments, prestige and honour of the Sikh religion. Apart from that there is no other material whatsoever coming forth either from perusal of the FIR and any other subsequent investigation conducted by the State so far, as in the matter, which could be termed to say at this stage *prima facie* that any kind of insult has been caused to the feelings of the particular community either by way of spoken words, written words or gestures or any kind of conduct or by posting such material through social media.

However, learned counsel for the complainant during the course of hearing asserts that as per the Hukamnama issued it is only the Guru Granth Sahib which is to be worshipped as sole Guru and nobody else, on that account FIR has been lodged.

Be that as it may, the question with regard to the legal sanctity of Hukamnama and any other provisions of law which bars any individual from preaching Sikh Religion as a follower would amount to hurt or insult the sentiments and feelings of that particular community in any manner needs examination.

Therefore, this Court deems it appropriate to appoint Mr. Baljinder Singh Sra, Advocate as an Amicus Curiae (P/719/1995) mobile No.98151-73750, to assist the Court on the aforesaid question.

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It is further made clear that Mr. Baljinder Singh Sra, learned Advocate would be assisting the Court in addition to Mr. Atul Lakhanpal, Sr. Advocate, who is appearing on behalf of the petitioner.

The Registry is directed to furnish a copy of a complete paper book to Mr. Baljinder Singh Sra, Advocate appointed as an Amicus Curiae by this Court at least one week prior to the next date of hearing.

However looking into the totality of the fact before adjourning the matter for further consideration, it would be appropriate at this stage, since the Court is *prima facie* of the view in its firm opinion that no offence under Section 295-A of Indian Penal Code is made out and the petitioner is directed to be released on interim bail in case he joins the investigation, on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 04.05.2023.

(SANDEEP MOUDGIL)
JUDGE

21.04.2023

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