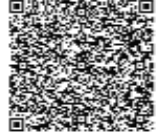




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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Reserved on 9<sup>th</sup> of May, 2024  
Pronounced on 7<sup>th</sup> of August, 2024**

**CRM-M-11320-2023**

Rana Jung Bahadur

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Suvir Sidhu, Advocate and  
Ms. Tejaswini, Advocate  
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

**PANKAJ JAIN, J.**

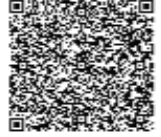
The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioner seeking quashing of (i) FIR No.67 dated 10<sup>th</sup> of June, 2022, registered for offences punishable under Sections 295, 295-A IPC, Section 3 of SC/ST Act (added later) at Police Station Navi Baradri, District Jalandhar; (ii) FIR No.167 dated 11<sup>th</sup> of June, 2022 registered for the offence punishable under Section 295 IPC, at Police Station Cantonment, District Police Commissionerate, Amritsar and all



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subsequent proceedings arising thereto.

2. The FIR stands registered on the information supplied by one Jassi Tallan, Punjab President, Guru Ravidas, Tiger Force, Punjab alleging as under :

“xxx it is requested that the sentiments of our entire Valmiki Community and Ravidasiya community has been hurt because Punjabi film actor Rana Jang Bahadur Singh has made a wrong comment about Bhagwan Valmik Ji. He has said that Bhagwan Valmik Ji was a bandit and then he came to know that it is wrong history and was not written in any history. With these words, our heart has been hurt and he has worked to incite riots. A case should be registered against him under the SC/ST Act and other offences. SD (English) Jassi Tallan Punjab President Guru Ravidas, Tiger Force Punjab 9530936464. Police Proceedings:- Today I ASI alongwith S/CT Inderjit Singh 1998 was present at Police Station, then Night MHC Police Station handed over me a Application No.95-5BH dated 9.6.2022 by Jassi Tallan Punjab President Guru Ravidass Tiger Force, Punjab and respectable persons against film actor Rana Jang Bahadur for making wrong comments against Bhagwan Valmiki Ji, marked by Station House Officer. From the statement, prima-facie offence punishable under Section 295 IPC is found to be made out. On which after writing police proceedings, handed over to MHC Police Station for registration of the case. After registering the case, number FIR should be informed. After issuing special report, the same should be sent in the service of Illaqa Magistrate and Senior Officers. Station House Officer should be informed from Control Room. Sd/ Gurinder Singh ASI, Police Station Navi Baradari, Commissionerate Jalandhar dated 9.6.2022. Today at Police Station: Upon receiving the above said statement at Police Station, the above said case under above said offence has been registered. xxx”



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3. The FIR is based upon comments made by the petitioner while giving an interview to a Punjabi News Channel on 9<sup>th</sup> of June, 2022. The petitioner who claims to be an actor and that he has contributed to the Hindi and Punjabi Cinema having worked in more than 500 films in a career spanning over 40 years, was asked about exhibition of gun violence in cinema and its effect on youth. Responding to the said question of the reporter, the petitioner claimed that the young men are not becoming gangsters being influenced by cinema. He further claimed that social maladies like rape, dacoity etc. were prevalent in the society much before cinema came into being. In order to support his answer the petitioner further commented as under :

*“Valmiki ji, was a dacoit in his early days but people did not become dacoit getting influenced from him, Valmiki ji later wrote 'The Ramayana', but no body got influenced from his writing and the learning contained therein, to work towards the upliftment of the society. Thus, the influence on the youth is an outcome of one's upbringings and the surroundings”*

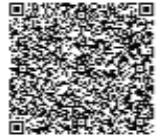
4. Counsel for the petitioner while praying for quashing of the criminal proceedings and the FIR(s) registered on the basis of aforesaid utterances would submit that no offence punishable under Sections 295/295-A of the IPC and Section 3 of the SC/ST Act is made out against the petitioner. He thus submits that the allegations being totally



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discrepant, it is a case which would fall within the parameters for exercise of jurisdiction under Section 482 Cr.P.C. as enumerated by Apex Court in the case of '**State of Haryana and others vs. Ch. Bhajan Lal & others**', 1992 AIR (Supreme Court) 604. It is being claimed that neither was there any intent on part of the petitioner to hurt the religious sentiments of any class nor is any allegation that the utterances were made knowingly to hurt religious sentiments of any class. Rather example of Maharishi Valmiki was quoted only to draw parallel and to use the same as a metaphor to convey that the influence on a person is a relative term and merely for the reason that the stories exhibited in cinema show gangsters, it cannot be treated as reason of rising violence in the society.

5. Reply by way of affidavit of Manmohan Singh Aulakh, PPS, Assistant Commissioner of Police, West, Amritsar City has been filed on behalf of the State of Punjab wherein the prosecution has claimed that the petitioner is guilty of having used derogatory and objectionable language *qua* Lord Valmiki. The interview of the petitioner got viral on social media which has outraged and hurt the sentiments of a community. The State thus prays for dismissal of the instant petition.

6. I have heard counsel for the parties and have gone through



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records of the case.

7. So far as the utterances by the petitioner are concerned, the same are not in dispute. The pivotal issue that falls for consideration is: *“Whether the allegations as levelled in the FIR against the petitioner, constitute offences punishable under Sections 295/295-A of the IPC and Section 3 of the SC/ST Act?*

8. In order to appreciate the argument raised by counsel for the petitioner, it will be apt to peruse the following bare provisions of law :

**“295. Injuring or defiling place of worship, with intent to insult the religion of any class.—** Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

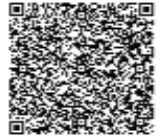
**295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—**Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India], [by words, either spoken or written, or 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 [three years], or with fine, or with both.”



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**The Scheduled Castes and the Scheduled Tribes  
(Prevention of Atrocities Act, 1989)**

**Section 3. Punishments for offences of atrocities.-(1)  
Whoever, not being a member of a Scheduled Caste or a  
Scheduled Tribe,-**

xxx

(t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

*Explanation* – For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

(v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

9. In order to constitute offence punishable under Section 295 IPC, the following ingredients are *sine qua non* :

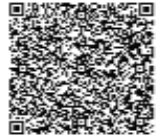
- (i) Allegations against the accused should be of destroying, damaging or defiling of any place of worship, or any object held sacred by any class of persons
- (ii) Such destruction/damage or defiling must be with an intention of insulting the religion of any class of persons or with the knowlege that any class of persons is likely to consider such destruction, damage



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or defilement as an insult to their religion.

10. Likewise, in order to constitute offence punishable under Section 295-A IPC, it is imperative to satisfy the following ingredients :

- (i) Making publication by words either spoken or written or by signs or by visible representations or otherwise;
- (ii) Such publication must insult or it should be an attempt to insult the religion or religious beliefs of any class; and
- (iii) Such publication must be made with deliberate and malicious intention of outraging the religious beliefs of that class.

11. Similar are the ingredients of Section 3 of SC/ST Act.

12. The justification *qua* registration of FIR for offence punishable under Section 295-A IPC came up for consideration before the Supreme Court in the case of **Mahendra Singh Dhoni vs. Yerraguntla Shyamsundar and another, (2017) 7 SCC 760**. Apex Court held that the penal provision does not take into its ambit each and every act of insult or attempt to insult the religion or the religious beliefs of a class of citizens. It penalises only those acts of insults or



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attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated deliberately with malicious intent of outraging the religious beliefs of that class. Thus, the Apex Court held that the deliberate malicious attempt to outrage the religious belief of a class of citizens is must to bring an act within the ambit of Section 295-A IPC observing as under :

“9. Learned counsel then shifted his ground and formulated his objection in a slightly different way. Insults to the religion or the religious beliefs of a class of citizens of India may, says learned counsel, lead to public disorders in some cases, but in many cases they may not do so and,, therefore, a law which imposes restrictions on the citizens' freedom of speech and expression by simply making insult to religion an offence will cover both varieties of insults, i.e., those which may lead to public disorders as well as.those which may not. The law in so far as it covers the first variety may be said to have been enacted in the interests of public order within the meaning of el. (2) of Article 19, but in so far as it covers the remaining variety will not fall within that clause. The argument then concludes that so long as the possibility of the law being applied for purposes not sanctioned by the Constitution cannot be ruled out, the entire law should be held to be unconstitutional and void. We are unable, in view of the language used in the impugned section, to accede to this argument. In the first place el. (2) of Article 19 protects a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression "in the interests of" public order, which is much wider than "for maintenance of" public order. If, therefore, certain activities have a tendency to cause public disorder, a law penalising such activities as an offence cannot but be held to be a law imposing reasonable restriction "in the interests of public





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order" although in some cases those activities may not actually lead to a breach of public order. In the next place section 295A does not penalise any and every act of insult to or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises 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 the deliberate and malicious intention of outraging the religious feelings of that class. Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only Punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. The calculated tendency of this aggravated form of insult is clearly to disrupt the public order and the section, which penalises such activities, is well within the protection of clause (2) of Article 19 as being a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression guaranteed by Article 19(1)(a). Having regard to the ingredients of the offence created by the impugned section, there cannot, in our opinion, be any possibility of this law being applied for purposes not sanctioned by the Constitution. In other words, the language employed in the section is not wide enough to cover restrictions both within and without the limits of constitutionally permissible legislative action affecting the fundamental right guaranteed by Article 19(1)(s) and consequently, the question of severability does not arise and the decisions relied upon by learned counsel for the petitioner have no application to this case."

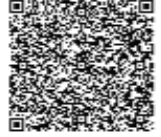
13. The aforesaid view was further reiterated by Supreme Court in the case of **'Priya Prakash Varrier and another vs. State of Telangana and another'**, 2018(4) R.C.R. (Criminal) 176 observing



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as under:

“10. On a keen scrutiny of Section 295A and the view expressed by the Constitution Bench in Ramji Lal Modi (supra), we do not find that the said provision would be attracted in the present case. We are inclined to think so, for the picturization of the said song solely because of the 'wink' would not tantamount to an insult or attempt to insult the religion or the religious beliefs of a class of citizens. The said song has been on Youtube since February, 2018. We do not perceive that any calculated tendency is adopted by the petitioners to insult or to disturb public order to invite the wrath of section 295A of the IPC. In this regard, we may refer to a three-Judge Bench decision in Manohar Lal Sharma v. Sanjay Leela Bhansali and Others (2018) 1 SCC 770, wherein the Court observed thus:-

"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 license."

11. In Mahendra Singh Dhoni v. Yerraguntla Shyamsundar and Another 2017(2) RCR (Criminal) 746 : (2017) 7 SCC 760, the justification for the registration of an F.I.R. under Section 295A had come up for consideration before this Court. Appreciating the act done by the petitioner therein, the Court quashed the F.I.R. for an offence under section 295A IPC.

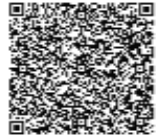
12. If the ratio of the Constitution Bench is appropriately appreciated, the said provision was saved with certain riders, inasmuch as the larger Bench had observed that the language



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employed in the section is not wide enough to cover restrictions, both within and without the limits of constitutionally permissible legislative action affecting the fundamental right guaranteed by Article 19(1)(a) of the Constitution. The emphasis was laid on the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class.

13. As we perceive, the intervenor, who was an informant in F.I.R. No.34 of 2018, in all possibility has been an enthusiast to gain a mileage from the F.I.R., though the same was really not warranted. What is urged before us is that picturization which involves the actress with a wink is blasphemous. Barring that there is no other allegation. Such an allegation, even if it is true, would not come within the ambit and sweep of section 295A IPC., as has been explained in Ramji Lal Modi (supra).”

14. Keeping in view the aforesaid broad principles w.r.t. invocation of Sections 295 and 295-A of the IPC and Section 3 of SC/ST Act, this Court finds that it will not be in the interest of justice to allow the proceedings in the present case to continue. The petitioner is accused of having drawn simile quoting instances from life of Maharshi Valmiki Ji. The gravamen of the allegations against the petitioner is reference by the petitioner to Maharshi Valmiki Ji as a dacoit in early part of his life. The Court does not wish to go into the veracity of the aforesaid fact. Whichever religion it may be, the worshiped Gods were born as humans. Owing to their contributions to the society and the strength of their character, they attained divinity. Inspired by them and



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believing numina, people started worshipping them. The journey from 'Nar to Narayan' is not only embedded in the ethos of India but is also true to the religions born outside India.

15. Commenting on the tale of transformation of Ratnakar to Bhagwan Valmiki, Co-ordinate Bench of this Court in the case of **Tilak Raj vs. State of Punjab of Punjab and another, 2020(4) R.C.R. (Criminal) 390** observed as under :

"17. The story as to transformation from Ratnakar to Bhagwan Valmiki, from a dacoit to revered saint and as celebrated author of Adi Ramayana has been given in various Scriptures and literary works although there is material on the other side also casting a doubt about the authenticity of the story as to Maharishi Valmiki being a "dacoit" in the beginning as observed in **Manjula Sahdev v. State of Punjab (P&HHC) : 2019 (2) RCR (Criminal) 1004**.

18. It may be observed here that references to life story of Bhagwan Valmiki are made as a source of inspiration. In **Maru Ram and others v. Union of India and others : 1981 (1) SCC 107** Hon'ble Supreme Court observed as under:-

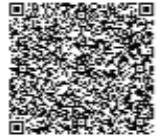
"85. The question, therefore, is - should the country take the risk of innocent lives being lost at the hands of criminals committing heinous crimes in the holy hope or wishful thinking that one day or the other, a criminal, however dangerous or callous he may be, will reform himself. Valmikis are not born everyday and to expect that our present generation, with the prevailing social and economic environment, would produce Valmikis day after day is to hope for the impossible."



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19. In **Rakesh Kaushik v. B.L. Vig** : AIR 1981 Supreme Court 1767 Hon'ble Supreme Court observed as under:-

"31. We have drawn the broad lines indicative of the direction of correction and leave it at that. The fundamental fact of prison reforms comes from our constitutional recognition that every prisoner is a person and personhood holds the human potential which, if unfolded, makes a robber a Valmiki and a sinner a saint."

20. These references in **Maru Ram and others v. Union of India and others** : 1981 (1) SCC107 and **Rakesh Kaushik v. B.L. Vig** : AIR 1981 Supreme Court 1767 also refer to transformation of Bhagwan Valmiki from dacoit to revered saint.

21. In **Jai Ram Sharma v. State of Punjab** : 1998(3) RCR (Criminal) 295; **Manjula Sahdev v. State of Punjab (P&HHC)** : 2019 (2) RCR (Criminal) 1004 and CRM-M-31988-2012, **Maninder Singh and another v. State of Punjab and another (P&HHC)** decided on 02.08.2013 books 'Bhagat Mala' published by 'U.P. Hindhi Sansthan', 'Maharishi Balmik-Ekk Samasthik Adhyan' written by 'Manhula Sahdev' and 'Naitik Shiksha' written by 'Jai Ram Sharma' respectively making similar references to Bhagwan Valmiki were held not to fall within the mischief of Section 295A of the IPC with consequent quashing of the FIR registered regarding the same and in **Brahamcharani Didi Chetna @ Chelna (Jain Sadhvi) v. State of Punjab and another (P&HHC)** decided on 29.04.2014 FIR registered regarding discourse making similar remarks was quashed on the ground of there being no deliberate and malicious intention of outraging the religious feelings of any class of citizens of India."

16. Thus, the tale regarding transformation of Maharishi Valmiki is part of folklore and scriptures thought it may not be to the liking of the complainant.



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17. The parameters w.r.t. quashing of criminal proceedings have been well laid down by the Apex Court in *Ch. Bhajan Lal's case* (supra) holding 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 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



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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* 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.”

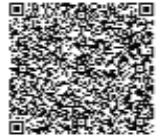
18. Keeping in view the aforesaid facts and law w.r.t. exercise of power under Section 482 Cr.P.C. 1973 as laid down in Ch. Bhajan Lal's case (supra), this Court finds that it is a case wherein the necessary ingredients to constitute offences punishable under Sections 295/295-A of the IPC and Section 3 of the SC/ST Act are missing and



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continuation of the proceedings against the petitioner will result in miscarriage of justice.

19. In view of above, the present petition is allowed. FIR No.67 dated 10<sup>th</sup> of June, 2022, registered for offences punishable under Sections 295, 295-A IPC, Section 3 of SC/ST Act (added later) at Police Station Navi Baradri, District Jalandhar and FIR No.167 dated 11<sup>th</sup> of June, 2022 registered for the offence punishable under Section 295 IPC, at Police Station Cantonment, District Police Commissionerate, Amritsar and all subsequent proceedings arising thereto are quashed *qua* the petitioner.

**August 07, 2024****(Pankaj Jain)  
Judge**

Dpr

Whether speaking/reasoned : Yes

Whether reportable : Yes