

2025:PHHC:021869

104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8573-2025
DECIDED ON: 14.02.2025

MANJINDER SINGH @ MANJINDER MAKHA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R. Kartikeya, Advocate with
Mr. Kartik Patyal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.358, dated 03.12.2024, under Sections 451, 406 and 380 of IPC, 1860 and Section 356(3) of BNS, registered at Police Station Sadar Mansa, District Mansa.

2. Facts

Prosecution story setup in the present case as per the version in the FIR as under:-

"To, Senior Superintendent of Police, Mansa. Subject: Complaint against Manjinder Singh @ Manjinder Makha S/o Gurdeep Singh resident of Village Makha, Tehsil & District: Mansa, regarding publishing of book based on unfounded defamatory allegations and further releasing defamatory content on social media platform

1. That I am Balkaur Singh S/o Baldev Singh R/o Village Moosa, District Mansa. I am father of the famous International

Singer Late Sh. Shubhdeep Singh well known as "Sidhu Moosewala" ' My son has influenced and inspired many people especially in India through his social welfare works. Being a father of popular face, his & his family's reputation in India is amongst of the highest stature.

2. That the present complaint is in reference to a Book Namely "The Real Reason Why Legend Died" that was written by accused & the same was published on 20.09.2024 by accused and also in reference of Videos/Podcasts/Reels on private youtube channels given by accused regarding the Book and as well as my family. That the said Book & Videos/Podcasts/Reels are insulting, highly defamatory and the contents printed in the said Book are libelous against me and my family which has not only harmed reputation of my deceased son but also resulted in defamation to his family members. Same as the book, accused have also making defamatory comments about my family & their personal family affairs in the videos/Podcasts/Reels, which accused have no right qua the same as accused is not related in any way to my family and accused never sought any permission qua the above said book from me or from any of my family member and this book has been widely read by the followers of my deceased Son as well as videos/podcasts/reels also seen by the followers of my son internationally which caused subsequent damage to his image throughout the world.

3. That, to my utter shock and dismay for the reasons best known to accused. accused has blemished my reputation by releasing highly defamatory content in the book as well as in Videos/Podcasts/Reels which is unwarranted and without any concrete evidence. The content published in the book and content in the Videos/Podcasts/Reels by accused is totally wrong & misleading towards fans of the "Sidhu Moosewala". This publication of book & Videos/Podcasts/Reels constitutes a grave act of defamation, gross abuse of law and misrepresentation of facts. Derogatory remarks have been published in the abovementioned book as well as in Videos/Podcasts/Reels which hassled irreparable damage to my reputation.

4. *That the Book & Videos/Podcasts/Reels by accused has published my personal information directly as well as indirectly. Accused has, without any permission from me has wrote & released the book, accused has also printed the photos of my son, who was a Great Artist in his field. Further accused are making baseless & wrong averments in the Videos/Podcasts/Reels as well as in the above mentioned book written & published by accused. All these things are motivated to tarnish my reputation for unwarranted popularity media gain without any evidence and moreover, there is no reference or any authentic source of information which substantiates accused claim. Therefore, the abovementioned Book and Videos/Podcasts/Reels have created my negative image in public whereas, nothing as such has been proved by any court of law.*

5. *That accused has also been making personal comments in the Videos/Podcasts/Reels that my wife is under undue pressure that's why she is not speaking openly which is clearly violative of "her right to privacy". Levelling an allegation of such heinous offence without any concrete source has created distress in my family affecting mental health as well as causing loss of multimillions to his business, especially in india. The language used by accused to disparage me and make him appear ostentatious by disclosing the family relations has severely damaged his reputation by implying that he obtained it by unethical means. This kind of act is highly depreciable and reveals the true character of accused.*

6. *That the information published by accused through book & Videos/Podcasts/Reels is factually incorrect and as per the international norms, anything that is published which is factually incorrect needs to be removed immediately that's why in the present case, accused are here by requested to delete the Videos/Podcasts/Reels, accused have not been able to remove the derogatory content which is still creating irreparable loss to my reputation causing harm to his financial as well as personal life. The assertions made in the book & in*

Videos/Podcasts/Reels have clearly jeopardized the true facts of the case and also created a media trial against me.

7. That the trial of the murder of my son is going on. Accused have published about the sensitive information regarding the case of the murder of my son which can affect the proceedings of the Hon'ble Court. Accused is openly writing in the book about statements given by the eye-witnesses of the case who were present at the spot of the murder of my son. Accused is doing this without any concrete evidence or without my permission.

8. That further to the dismay of my client the accused has labelled the allegations in one of his books that my deceased son cannot be declared as "Panthak" despite he being a modest Sikh, this statement of the accused has hurt the religious feeling of the me and my family and accused despite knowledge that his words are scandalous in nature and would hurt the religious feelings of my deceased son and his followers is continually making statements of the similar nature. The accused has violated the mandate of section 299 of Bhartiya Nyay Sanhita, 2023 and is liable to be prosecuted accordingly.

9. That I have come to know that the information published in the book is being widely circulated. As per the laws of India, any information which does not fall under the exceptions to section 356 of Bhartiya Nyay Sanita, 2023 and moreover, serves no public good; tarnishes the image of an individual, the said publication constitutes an offence under Section 356 of Bhartiya Nyay Sanita, 2023 Since accused committed this offence when publishing the aforementioned book, the said publication is illegal under sections 356 of Bhartiya Nyay Sanhita, 2023.

10. That the misleading book & Videos/Podcasts/Reels are totally unwarranted and uncalled for and the same has been done to create unwanted controversy to portray me and my family in a negative domain for ulterior motives.

11. That due to accused's deliberate act of defaming and smearing my reputation among his family and peers, accused's book is nothing but a false, false and concocted story based on conjecture and surmises. Hence, accused are liable under

section 356, 299 of Bhartiya Nyay Sanita, 2023 and also for the cyber defamation under Section 67 of Information Technology Act, 2000.

12. That although, the permanent harm caused to my reputation cannot be undone but to deter accused in future from making such disparaging statements having a bearing of lives of people, the damages of my client are quantified at Rs. 6 Crores for tarnishing my client's reputation and accused are hereby called upon to withdraw the above-mention book & Videos/Podcasts/Reels within 72 hours from receiving of this notice otherwise a strict legal action will be taken against accused.”

3. Contention

On behalf of the petitioner

It is contended by learned counsel for the petitioner that the petitioner is a Professor by profession, lending credibility to his position as an academic or intellectual, potentially reinforcing the idea that the book was written with academic intent rather than for personal gain or malice. It is further contended that content of the book is based on personal knowledge and experiences, rather than fabricated or stolen material. Learned counsel for the petitioner explicitly states that the petitioner did not commit any theft. He argues that the photographs and other materials referenced in the book are easily accessible on the internet, suggesting that they are not private or confidential, and their use in the book does not violate any rights. It is asserted that the petitioner had a close personal relationship with Sidhu Moosewala, which could imply that the inclusion of personal details in the book was done with Moosewala's consent, or at least with the knowledge that they were being shared. According to the petitioner, Sidhu Moosewala shared intimate details of his life and career with him, further strengthening the notion that the book

was written with an insider perspective rather than as a result of unauthorized or malicious actions.

Notice of motion.

On behalf of respondent-State

On the asking of Court, Mr. Jaspal Singh Guru, AAG, Punjab appearing on advance notice accepts notice on behalf of respondent-State asserts that the present case involves the theft of an album with photographs from the residence of the complainant, who is the father of Sidhu Moosewala, a well-known Punjabi singer. He argues that the petitioner, in a book, has reportedly mentioned Sidhu Moosewala's alleged links with gangsters and his possible involvement in the murder of Vicky Middukhera.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner as the book is a legitimate personal account or homage to Sidhu Moosewala, written by someone who knew him personally, and it was not a case of intellectual property theft. Moreover as per the translated extract (Annexed as P-2) of the book this court finds nothing offensive or derogatory as such addressed to the Sidhu Moosewala, statements made are within the bounds of legitimate criticism Also every citizen is guaranteed freedom of speech and expression under article 19(1) of the constitution though this right has to be exercised within reasonable restrictions enshrined under article 19(2) of the constitution. Court at the time of granting the bail has to only see whether Prima Facie allegations seems to be true or not and not to see the other and additionally overwhelming circumstances. The counsel is likely aiming to establish that the

book's contents, including photographs and personal stories, were obtained in a manner that doesn't violate legal or ethical norms. There is *bona fide* intentions and willingness to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

14.02.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*