

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

**CRM-M-41105-2020
Pronounced on: 17.10.2025**

Sukhbir Singh Badal

...Petitioner

Versus

Rajinder Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. D. S. Sobti, Advocate, Mr. Mukul Aggarwal, Advocate,
Mr. Ishank Bansal, Advocate, Mr. Chetan Sharma, Advocate and
Mr. Paras Jhamb, Advocate
for the petitioner.

Mr. R. S. Bains, Senior Advocate with
Mr. G. S. Bains, Advocate and
Mr. Sarabjot Singh Cheema, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J.

The petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for quashing the complaint bearing CIS No. NACT-692-2017 IPC under Section 499 read with Sections 500, 501, 502 of the Indian Penal Code, 1860 (for short, 'IPC'), dated 31.01.2017, Annexure P-1, as well as summoning order dated 04.03.2020, Annexure P-2, passed by the Judicial Magistrate 1st Class, Chandigarh, along with all subsequent proceedings.

2. Brief facts of the case are, the respondent filed the aforementioned complaint under Section 190 Cr.P.C. in individual capacity, alleging commission of offence of criminal defamation against the petitioner/accused under Section 499 read with Sections 500, 501 and 502 IPC. The respondent/complainant has claimed himself to be a respectable citizen of India as resident of SAS Nagar, Mohali. Being a baptised Sikh

belonging to a Gursikh family, he earns his living by doing business, and serves the Sikh community through a religious organisation, namely, Akhand Kirtani Jatha (hereinafter referred to as 'AKJ'). This is a world known organisation consisting of baptised Sikhs and has its set-up throughout the world. He also claims to be chief spokesperson of the AKJ for the last ten years on account of his honesty, unshakeable integrity and religious devotion. He alleged that there had been malicious conspiracies on behalf of various agencies to malign his reputation at different points of time, but given his high reputation in the Sikh religion, nobody could harm his stature. AKJ had been criticizing the government of Punjab for its failure to prevent the desecration of Shri Guru Granth Sahib, and identify the culprits behind it. On this account, the petitioner, who was Deputy Chief Minister, had been keeping grudge against him.

2.1 On 04.01.2017, the then Chief Minister of Delhi visited the complainant's house in the morning and news about his visit was published in various newspapers, including 'Ajit' and 'The Punjabi Tribune'. The petitioner, as Deputy Chief Minister of the State of Punjab, made certain defamatory statements in several newspapers alleging the respondent and the AKJ were political front of the largest terrorist outfit, Babbar Khalsa International (hereinafter referred to as 'BKI'). He made the statements in political rallies and also to the press which were reported in the newspapers, vide the following news items:

(i) 'The Hindustan Times' dated 08.01.2017, Annexure R-1/Ex. C5:

S: they want to fight in Punjab, but do not know the culture, the ethos of Punjab. They do not know what Panth is. They think the formula they used in Delhi will work here. There is a difference

of day and night between Delhi and Punjab. By chance, God forbid, if AAP comes to power, they will create chaos here. It believes in agitation, not in governance. Kejriwal wants to become Punjab chief minister.. Punjab needs support of Centre.... Kejriwal comes to Punjab and starts liaisoning with radicals. The day before yesterday (Thursday) he was having breakfast with Akhand Kirtani Jatha, which is political front of Babbar Khalsa International, which is the biggest terrorist organisation... He has dinner with the 'jathedars' appointed by the 'Sarbat Khalsa' that had declared Khalistan.

(ii) 'The Punjabi Tribune' dated 13.01.2017, Annexure R-2/Ex. C6:

...Sukhbir Badal after filing his nomination letter and while addressing the journalists accused AAP is having hands in glove with radical organisations and recently the violent incidents at Jalalabad and Lambi are the result of their conspiracies. He said that AAP Supreme Arvind Kejriwal held meetings with the help of radical organisations with self claimed Jathedars and radical leader Mohkam Singh. He also said that Kejriwal also met the spokesperson RP Singh of Akhand Kirtani Jatha which is political front of Babbar Khalsa International.

(iii) 'Dainik Bhaskar' dated 30.01.2017 Annexure R-3/Ex. C7:

. . .The Deputy CM Sukhbir Badal on Sunday afternoon during rally of PM Narendra Modi accused Kejriwal of staying at the house of a former terrorist. Upon this Bhaskar conducted an investigation and found this allegation true. Sukhbir said that this is not the first time when Arvind Kejriwal has met with radicals. Even earlier he has had breakfast with RP Singh of organisation Akhand Kirtani Jatha which is connected with Babbar Khalsa.

2.2 On account of these defamatory statements, the complainant, a non-political person enjoying high reputation in the AKJ, became target of the

petitioner for his fallacious campaign which tarnished the former's image amongst the readers of these aforementioned newspapers. He was confronted by many persons from the Punjab and other countries, and many of whom started avoiding him. One of his well-wishers and friends, namely, Sanjeev Mittal, resident of Sector 32-D, Chandigarh, spurred his anger on him in the presence of some friends taunting him to be a terrorist, and saying that he would not like to have any relation with a person who was even remotely connected to terrorism. The aforementioned newspapers have wide circulation in India and abroad as these can be accessed globally through their websites. These defamatory statements were circulated and distributed in Chandigarh also, within the territorial jurisdiction of Judicial Magistrate 1st Class, resulting in his friend Sanjeev Mittal snapping ties with the complainant.

2.3. Upon orders of the Magistrate in the matter, the police submitted inquiry report under Section 202 Cr.P.C., dated 28.11.2019, Anenxure P-6, that the aforementioned three news items were duly published and the video clip contained in the pen drive, which was provided by the respondent/complainant from the Global Punjab TV, Patiala, was also verified to have been aired/telecast on their channel, but name and address of the reporter could not be ascertained. The report also states, "*the alleged statements are made in Jalalabad, Punjab during Punjab Vidhan Sabha Election 2019*".

2.4. In the preliminary evidence, the complainant examined himself before the Magistrate as CW-1, and placed on record copies of newspapers namely 'Ajit' as Ex.CW2/1, 'The Punjabi Tribune' as Ex. CW3/2 and 'The Hindustan Times' as Ex.C4/1 carrying the abovesaid news items which were

also exhibited, apart from other documents. Alongwith the CD a certificate under Section 65-B of the Indian Evidence Act, 1872, was also tendered. The respondent's friend, Sanjeev Mittal, stepped into the witness box as CW-6. Apart from reiterating the version put forth in the complaint, he stated that the complainant met him in the market at Phase-7, Mohali, when he was with two of his friends, namely, Bhupinder Singh and Punit Sharma. When the complainant tried to speak to him, Punit Sharma indicated the former had links with people having terrorist background. Sanjeev also refused to speak to him stating that he would not like to have any relationship with such a person.

2.5. Considering the statements of the witnesses as well as the documents proved on record in preliminary evidence, the Magistrate, vide an impugned order dated 04.03.2020, *prima facie* concluded that the petitioner had made defamatory statements against the complainant and summoned him under Sections 500 and 501 IPC.

3. In this factual background, learned Senior counsel for the petitioner contends that under Section 199 Cr.P.C., the Magistrate can only take cognizance of an offence upon receiving a complaint by a person who is aggrieved, and as per Explanation 2 to Section 499 IPC, an imputation amounts to defamation if it concerns a company, or an association, or a collection of persons as such. Such collection of persons must be identifiable body so that it can be said that a group of particular persons, as distinguished from rest of the community, stands defamed. If identity of the collection of persons is not established so as to be relatable to the defamatory words, the complaint will not be maintainable. The complainant claims to be belonging

to an organisation, AKJ. It is not known as to what is the form of this organisation, its constitution, members, and whether it is registered or not. Therefore, AKJ cannot be termed a determinate group which can be called 'collection of persons', and the cognizance could not have been taken. In support of his contention, he has relied upon law laid down by the Supreme Court in *Subramanian Swamy v. Union of India, Ministry of Law and others*, (2016) 7 SCC 221.

3.1. *Secondly*, it has not even been claimed that the complainant is a member of the AKJ, as he only claims himself to be its chief spokesperson for the last ten years due to his honesty, integrity and religious devotion. There is no authorisation by the AKJ to him to institute the complaint in question. And a plain reading of the alleged defamatory statements clearly shows that the same relate to AKJ, if at all, and not to the complainant in any manner. Therefore, the complaint could not have been entertained by the Magistrate in the light of bar contained in sub section (1) to Section 499 Cr.P.C. as the complainant is not a person aggrieved. *Thirdly*, learned Senior counsel contends that the alleged imputations do not even *prima facie* constitute defamation. The petitioner is only alleged to have stated that the then Chief Minister of Delhi comes to Punjab and starts liaisoning with the radicals. And also that he met the complainant/spokesperson of the AKJ, a political front of the BKJ, the biggest terrorist organisation. These are general statements by a Deputy Chief Minister as per the information with him and cannot be termed defamatory. *Fourthly*, learned senior counsel contends that the complaint is liable to be dismissed for want of jurisdiction as well. As per the allegations, the respondent's image has been tarnished in the estimation of the readers of

the aforementioned three newspapers. To establish the fact he has examined a friend, Sanjeev Mittal, who is a resident of Chandigarh, and met him at a market in Mohali where the latter refused to speak to the former due to his connection with the stated terrorist outfit. Therefore, cause of action, if any, arose to the respondent within the territorial jurisdiction of District Mohali, and the complaint in question could have been instituted there, not at Chandigarh. No cause of action can be said to have arisen within the territorial jurisdiction of UT, Chandigarh, only because his friend, a witness, resides there; his residence cannot confer jurisdiction on the Magistrate to entertain the complaint.

4. *Per contra*, learned Senior counsel for the complainant/respondent contends that AKJ is a Sikh religious organisation established in early 20th Century by Bhai Randhir Singh, a known freedom fighter. It is dedicated to promoting *akhand kirtan*/ continuous and collective singing of Gurbani with devotion; and today it has global presence spreading Sikh values through *kirtan* and *seva*/service. On 31.01.2017, the petitioner made defamatory statements portraying the complainant as a terrorist connected to BKI, causing serious harm to his reputation. This imputation was widely published in three newspapers mentioned hereinbefore. As the complainant finds specific mention therein, it cannot be said he has not been personally defamed and only the AKJ has been. He is a spokesperson of AKJ which has been termed as a front organisation of BKI, listed as a terrorist organisation in the first Schedule to the Unlawful Activities (Prevention) Act, 1967 (for short 'the UAPA'). The AKJ is not such an organisation, nor does it find mention in the Schedule. The petitioner publicly defamed the complainant for political

advantage by trying to connect his political party to terrorism by alleging that the then Delhi Chief Minister Arvind Kejriwal, belonging to Aam Admi Party (AAP), had breakfast with him, and impliedly with a terrorist being a spokesperson of a terrorist organisation. The statement is clearly false as there is no connection between the AKJ and any terrorist organisation; it shows the petitioner's intention to defame the complainant for political advantage. Therefore, such statements are defamatory not only to the organisation/AKJ, but also to the complainant personally because he is its spokesperson. *Secondly*, the AKJ cannot be considered as an indeterminable group. Although it is a small group of religious singers, by title itself it is identifiable as the word *jatha* means a small group/band of people organised for a specific purpose which is often religious, and can be political or social also. Historically, it referred to armed bands of Sikhs, but nowadays it broadly signifies any organised group of Sikhs marching or gathering for religious celebrations, like the *Gurpurab*, or for protests or social causes. Therefore, by no means can it be called indeterminable so as not to fall within the meaning of Explanation 2 to Section 499 IPC. *Lastly*, it has been contended that the judgments referred to by learned counsel for the petitioner are not applicable to the facts of the case.

5. Submissions made by learned Senior counsel for the parties have been considered.

6. The offence of defamation under Section 499 IPC has been included in Chapter XXI. It refers to imputation concerning a person. Explanation 2 to this section provides that imputation concerning *a company* or *an association* or *collection of persons as such*, may also amount to

defamation. And specific procedure has been prescribed for taking cognizance of the offence of defamation under Section 199 Cr.P.C., that it can only be upon a complaint made by a person aggrieved of the offence. These sections read as under:

IPC

CHAPTER XXI OF DEFAMATION

499. Defamation.-Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1. xxx xxx

Explanation 2.-It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3 and 4. xxx xxx

Cr.P.C.

199. Prosecution for defamation.-(1) No Court shall take cognizance of an offence punishable under Chapter XXI of the Indian Penal Code (45 of 1860) except upon a complaint made by some person aggrieved by the offence:

Provided that where such person is under the age of eighteen years, or is an idiot or a lunatic, or is from sickness or infirmity unable

to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the Court, make a complaint on his or her behalf.

(2) to (6) xxx xxx

6.1 The complainant in the instant case has approached the Magistrate by filing the complaint in his individual capacity with the allegations that the statements attributed to the petitioner, who at the relevant time was Deputy Chief Minister of the State of Punjab, have harmed his reputation being defamatory. The said statements, reproduced hereinbefore in paragraph 2.1 of the petition, are to the effect that *“Kejriwal comes to Punjab and starts liaisoning with radicals. The day before yesterday (Thursday) he (Delhi Chief Minister Arvind Kejriwal) was having breakfast with Akhand Kirtani Jatha, which is political front of Babbar Khalsa International, which is the biggest terrorist organisation.” “...Kejriwal also met the spokesperson R.P. Singh (complainant) of Akhand Kirtani Jatha, which is a political front of Babbar Khalsa International.”*, and that *“Sukhbir said that this is not the first time when Arvind Kejriwal has met with radicals. Even earlier Kejriwal had breakfast with R.P. Singh of organisation Akhand Kirtani Jatha connected with Babbar Khalsa International”*. A reading of the imputations shows that the then Delhi Chief Minister is accused of meeting the complainant who is connected to the AKJ which is alleged to be a political front of BKI, the biggest terrorist organisation. The complainant has been mentioned as a spokesperson of the AKJ, the position he acknowledges. He has not been named a terrorist himself. The argument on the petitioner’s behalf is, the imputation, if any, concerns only the AKJ which has been mentioned as a terrorist organisation, and not the complainant; the aggrieved person can therefore be the AKJ only, but it has not filed the complaint, nor has it authorised the complainant to do so on its behalf. The argument is misconceived for the reason the words ‘some aggrieved person’ have been

interpreted by the Supreme Court in *John Thomas v. Dr. K. Jagadeesan*, (2001) 6 SCC 30, to mean that the aggrieved person need not necessarily be the person defamed, and a person who has reason to feel hurt on account of the imputation also has *locus standi* to file a complaint. The observations are as under:

13. The collocation of the words "by some persons aggrieved" definitely indicates that the complainant need not necessarily be the defamed person himself. Whether the complainant has reason to feel hurt on account of the publication is a matter to be determined by the court depending upon the facts of each case. If a company is described as engaging itself in nefarious activities its impact would certainly fall on every Director of the company and hence he can legitimately feel the pinch of it. Similarly, if a firm is described in a publication as carrying on offensive trade, every working partner of the firm can reasonably be expected to feel aggrieved by it. If K.J. Hospital is a private limited company, it is too far-fetched to rule out any one of its Directors, feeling aggrieved on account of pejoratives hurled at the Company. Hence the appellant cannot justifiably contend that the Director of K.J. Hospital would not fall within the wide purview of "some person aggrieved" as envisaged in Section 199(1) of the Code.

Therefore, merely because the complainant has not been named as a terrorist in the imputations by the petitioner, he cannot be precluded from maintaining the complaint. He has reason to feel hurt as his organisation/AKJ has been linked to BKI, a terrorist organisation, and defamed in this manner; this makes him an aggrieved person within meaning of sub-section (1) to Section 199 Cr. P.C.

6.2. It is next contended by learned senior counsel for the petitioner that for an imputation to be termed defamatory it must defame an identifiable

group of persons in terms of Explanation 2 to Section 499 IPC which is not the case here as the AKJ is not an identifiable group; there is no mention of its constitution or members or its area of operation, etc. The argument also does not cut much ice as this Court has already held that the complainant himself is an aggrieved person in terms of sub-section (1) to Section 199, and cognizance of the offence could have been taken on the complaint in question. Besides, existence of the AKJ as an identifiable body stands established *prima facie* as the petitioner himself has mentioned it as an organisation having the complainant as its spokesperson. Further, the nature, composition, etc. of the AKJ, if required, can be established during trial and it cannot be a ground to non-suit the complainant at the initial stage.

6.3. The next contention by learned Senior counsel that the alleged statements by the petitioner do not even *prima facie* constitute defamation, is also without substance. The argument is based on the premise that the petitioner himself has not been termed as a terrorist which is flawed for the reason, an imputation to be defamatory need not be directly attributable to the aggrieved, as discussed hereinbefore. Further, in case the association a person is part of has been publicly termed as an organisation directly linked to terrorists, he/she has a reason to feel hurt about it as terrorism is an unlawful activity, associated with violence and extremism unacceptable in a civilised society. It would, in all probability, harm such person's reputation and paint him in a bad light amongst friends and the public at large. Accordingly, in case the complainant has felt hurt by the petitioner terming his AKJ as a front to BKI, a terrorist organisation, it cannot be said the offence of defamation is not even *prima facie* made out against the latter. Also, the petitioner has not

disowned the statements made against the complainant which are alleged to be defamatory in nature.

6.4. Lastly, the complaint cannot be held to be without jurisdiction merely because the complainant's friend who has been examined in preliminary evidence as CW-6, met him at SAS Nagar, Mohali, and the complaint was filed at a different place - Chandigarh. It is not a case that the complainant is alleging damage to his reputation and character only within the District SAS Nagar. Rather, the complaint specifically mentions that the petitioner's defamatory statements tarnished his image amongst the readers of the aforementioned three newspapers which published the same. It is also mentioned that these newspapers have wide circulation in India as well as overseas, and that the statements were circulated in Chandigarh also. Besides, defamation by its very nature is not an offence which is confined to a particular place as it is not in the form of an incident that has happened. It is, among other things, lowering one's reputation in the estimation of others who may be residing in different places and, therefore, the complaint can be instituted at either of those. The preliminary evidence in the instant case *prima facie* establishes damage to the complainant's reputation in the estimation of CW-6 who resides in Chandigarh, giving rise to the cause to file the complaint there.

6.4.1. In somewhat similar facts, the Bombay High Court has also held in *Dr. Subramaniam Swamy v. Prabhakar S. Pai Mayor of Bombay and another*, 1983 SCC Online Bom.103, that the offence of defamation is complete in the area where imputation is published. The observations are as under:

11. Now it has been admitted that a part of the act is done by the petitioner-accused at Chandigarh, namely, addressing a press conference and intending that all, the reporters, press representatives and others should publish his views and news in the press throughout India. Calling a press conference by the petitioner is not seriously disputed. The very purpose and design to call a press conference is to express one's views before press representatives with an object that it will be given the widest publicity by the press so that a large number of people and readers should read it and know about his views and his thoughts. The Indian Express in which the impugned news item is published is circulated and read in the City of Bombay where the complainant resides. In my view, the consequence of the statement made at Chandigarh has been completed at Bombay by circulation of the said newspaper, and, therefore, the offence of defamation is complete in the City of Bombay. In view of the provisions of section 179 of the Code of Criminal Procedure, both the Courts, at Chandigarh and at Bombay, will have jurisdiction to entertain a complaint under section 500 of the Penal Code, 1860. It is therefore, this, petition deserves to be dismissed.

7. In the light of discussion above, this Court finds no merit in the petition and dismisses the same.

8. It goes without saying that the observations made in this judgment are for deciding this petition which will have no bearing on the proceedings before the Magistrate, who will decide the complaint on its own merits.

(TRIBHUVAN DAHIYA)
JUDGE

17.10.2025

Mehak

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No