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IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA  
AT CHANDIGARH

**CRM-A-177-2021 (O&M)**  
**Date of Decision: 15.01.2025**

Ashokdeep Singh .....Appellant

Versus

State of Punjab & others .....Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**  
**HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. S.K.Bawa, Advocate,  
for the appellant.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab,  
for respondent No.1.

**GURVINDER SINGH GILL, J.**

1. Aggrieved by the acquittal of respondents No.2 & 3, namely, Jarnail Singh and PHG Balbir Singh vide judgment dated 08.03.2019 passed by the Judicial Magistrate Ist Class, Jalandhar in respect of a criminal complaint filed under Sections 499, 500, 502, 506 IPC, the complainant has preferred the instant appeal.
2. The complainant instituted a complaint against Jarnail Singh, Ram Singh (since deceased) and PHG Balbir Singh for offences under Sections 499, 500, 502, 506 IPC, wherein the complainant stated that he is an employee of the Punjab State Power Corporation posted at Alawalpur, Jalandhar and enjoys a good reputation on account of his dedicated work and integrity.



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He had filed a complaint against some police officials of Police Post Alawalpur, Adampur, who had been harassing him. Jarnail Singh (respondent no.2) and Ram Singh (expired) along with some other officials used to pressurize him to withdraw the complaint moved by the complainant against the police employees. It is alleged that PHG Balbir Singh (respondent no.3) was working in the police department and was hand in glove with the other accused. The complainant alleged that Jarnail Singh and Ram Singh tried to defame him by leveling defamatory allegations against him to the effect that he is a drunkard and is of quarrelsome nature and that they used to say such things in the presence of public at large and in the presence of the consumers who used to visit the office where complainant was working. It is alleged that the aforesaid Jarnail Singh and Ram Singh even leveled allegations to the effect that the complainant had misappropriated copper and iron articles of the Electricity Department and circulated their joint statements amongst the members of the public in order to defame him. When the complainant moved an application to the Senior Superintendent of Police, Jalandhar (Rural) against PHG Balbir Singh, then the accused in connivance with each other leveled false defamatory allegations against him before the Police Officers. The accused are even alleged to have circulated the said defamatory statements before the employees of his office including senior officers. The complainant alleged that on account of such conduct of the accused, the complainant had suffered mental harassment, tension and agony and had gone in depression. It is alleged that such defamatory statements were published by the accused despite the fact that the same



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were not true and were circulated in order to harm the reputation and goodwill of the complainant.

3. The complainant, in his preliminary evidence, himself stepped into witness-box as CW-1 and also examined CW-2 Jaswinder Singh, CW-3 Satish Kumar, CW-4 Satnam Singh, CW-5 HC Tarsem Lal, CW-6 Satpal Singh, AJE and CW-7 Mangat Ram, JE.
4. The trial Court upon finding sufficient grounds to proceed against the accused ordered for summoning them for offences punishable under Sections 499, 500, 502, 506 IPC vide order dated 24.04.2018 so as to face trial. Since accused Ram Singh expired, the proceedings qua him stood abated. Notice of accusation was served upon the other two namely, Jarnail Singh and PHG Balbir Singh on 21.12.2018 to which they pleaded not guilty and claimed trial.
5. The complainant, in order to substantiate the charges, himself stepped into the witness-box as CW-1, wherein he proved copy of application moved by him to SSP (Rural) dated 06.09.2013 as Ex.CW1, copy of complaint dated 26.09.2013 as Ex.CW2, copy of application moved by accused as Ex.CW3, statements of accused as Ex.CW4 & Ex.CW5, copies of attendance registers as Ex.CW6, Ex.CW7, Ex.CW8, statement of PHG Balbir Singh as Ex.CW9, copy of notice as Ex.CW10, postal receipts as Ex.CW11, Ex.CW12 and Ex.CW13. The complainant, however, did not examine any other witness and closed his evidence while placing on record copies of power-cut register, complaint register as Mark-C to Mark-F. Pursuant thereto, the statements of the accused were recorded in



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terms of Section 313 Cr.P.C., wherein they pleaded false implication. The accused, however, did not choose to lead any evidence in defence.

6. The trial Court framed the following points for determination:
  1. Whether the accused on 25.09.2013 moved a false and frivolous complaint against complainant intending to harm or having reason to believe that such imputation will harm the reputation of the complainant and committed offence punishable under Section 500 IPC?
  2. Whether the accused on or before said date, offered for sale printed substance containing defamatory matter against complainant and thereby committed offence punishable under Section 502 IPC?
  3. Whether the accused on the said date, criminally intimidated the complainant with dire consequences and thereby committed offence punishable under Section 506 IPC?
7. The trial Court upon considering the evidence on record held that the complainant had failed to establish the charges framed against the accused and consequently acquitted them vide impugned judgment dated 08.03.2019.
8. Learned counsel for the appellant, while assailing acquittal of accused, submitted that the complainant had stated in detail with regard to the manner in which the accused had been defaming him by publishing defamatory statements in the presence of members of public, in the presence of his colleagues and also in the presence of various consumers, who used to come to the office where he was working and that there being no evidence to the contrary, the statement could not have been discarded.



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It has been submitted that the allegations leveled against him as regards his integrity were absolutely baseless and false and under these circumstances, the accused ought to have been held guilty for having committed offence under Section 499 IPC punishable under Section 500, and also for offences punishable under section 502 & 506 IPC.

9. We have heard learned counsel for the appellant and have also perused the record of the case.
10. Before proceeding to consider the evidence led by the appellant, it is apposite to bear in mind the provisions of Section 499 IPC, wherein the offence under 'defamation' has been defined. Section 499 IPC reads as under:

**“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 excepted, to defame that person.

*Explanation 1.*—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

*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.*—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

*Explanation 4.*—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that



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person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.”

11. From a perusal of Section 499 IPC, it can be discerned that a complainant in order to establish his case would be required to prove the following basic ingredients:
  - (i) making or publishing of any imputation concerning the complainant;
  - (ii) such imputation must have been made by the use of words or signs either written, spoken or visible; and
  - (iii) such imputation must be made with an intention to cause harm or with the knowledge or having reasons to believe that it will harm the reputation of the concerned.
  
12. Section 499 IPC also provides for certain exceptions as have been enumerated therein. In the instant case, the complainant apart from himself stepping into witness-box as CW-1 has not examined any other witness to lend corroboration to his case so as to substantiate the allegations. Since it is the specific case of the complainant that the defamatory words were uttered in the presence of the members of the public and also in the presence of his colleagues and that various false statements as regards his reputation were also circulated, it was incumbent upon the complainant to have examined some person before whom the accused had made such statements or to whom the accused had circulated the defamatory statements. Although the complainant/appellant has placed on record certain documents, but the same have not been proved in accordance with law and some of them were in fact not even exhibited.



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13. In the absence of any evidence to lend corroboration to the statement of the complainant and in the absence of any other reliable evidence from which it could be inferred that the accused had indulged in publishing defamatory statements against the complainant, the allegations leveled by the appellant/complainant are absolutely hollow and have remained far from being substantiated in any manner. The trial Court having correctly reached at the conclusion that the complainant had failed to substantiate the allegations of defamation, this Court does not find any infirmity in the same. There is no merit in the appeal and the same is hereby dismissed.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**15.01.2025**

*Vimal*

**(JASJIT SINGH BEDI)**  
**JUDGE**

Whether speaking/reasoned: **Yes/No**  
Whether reportable: **Yes/No**