

CRM-M No.2509 of 2016

Jupinderjit Singh and another
Vs.
SI Mukhtiar Singh

Present: Mr. N.B. Joshi, Advocate
for the petitioners.

Petitioners have posed a challenge to the complaint and summoning order pursuant thereto. Petitioner No.1-Jupinderjit Singh is a Press Correspondent of the newspaper The Tribune and petitioner No.2- Harish Khare is Editor thereof. They have impugned the complaint as well as the summoning order passed by the trial Court whereby they have been summoned to face trial for offence under Section 500 IPC. Learned counsel submits that in the news items appeared in the Tribune dated 4th August, 2015, it was mentioned as under:

“Sources insist that some policemen, including SHO Mukhtiar Singh, were not present but they sustained bullet injuries later. However, the injuries do not seem to have been caused by the bullets used by the three terrorists. The Police Department has quietly buried the matter.

The SHO of the police station, Mukhtiar Singh, claimed that the reports about him being absent from the police station were wrong. “I was there along with a duty officer. We were standing next to the police station when the terrorists fired. We fired back. I sustained a bullet injury,” he claimed.

He claimed that the total strength was about 65, including three women constables. “I was at the police station along with my duty officer, the munshi and the Home Guards. The remaining personnel were not supposed to be at the police station at that hour. Like other police stations, the force is divided for various duties all day.”

According to the counsel, the reporting by the newspaper was totally

fair. The complaint does not make out any offence under Section 500 IPC. There was no intention on part of the petitioners to defame the respondent. In order to urge that reporting of Dinanagar incident has been fair throughout, he also referred to report dated 7th August, 2015 which read as under:-

“DGP Sumedh Saini commanded the operation. As per a government release issued when the operation was on, Deputy Chief Minister Sukhbir Singh Badal, who had reached Poland for a week-long tour in the morning, directed him over the phone to go there and head the operation.

The DGP reached Dinanagar, about 250 km away, in about seven hours. He was directing command on the way through the phone.

The office of the ADGP-Intelligence HS Dhillon turned into the central communication room. He was receiving calls from the Chief Minister, the Deputy chief Minister, the central security agencies, the Union Home Ministry, DGP Saini and the officers on the ground and passing it on to mobilize forces. The Union Home Ministry was sent hourly reports.

Meanwhile, the District Magistrate of Gurdaspur, Dr. Abhinav Trikha, had held a meeting by 6 am with the IG and DIG Border Range and had called the Army.

By this time, the Punjab Police had surrounded the police station and were firing constantly at the terrorists. They did not let the terrorists come out. Around 8 am, nearly half a dozen Army helicopters landed at the PAU ground, Gurdaspur. Nearly 200 Army men had reached Dinanagar and had strategically positioned themselves.”

According to counsel, only intention of the newspaper was to present a true and correct picture before the public of the entire incident. Had it been taken in correct perspective by the authorities, subsequent incidents of similar nature could have been averted. On the other hand, the Correspondent and the Editor of

The Tribune have been summoned to face trial on very specious grounds.

Notice of motion for 10.02.2016.

Counsel for the petitioners may produce copy of the statements of complainant's witnesses recorded as preliminary evidence.

According to counsel,ailable warrants have been issued for appearance of the petitioners. It is directed that execution of said warrants shall remain stayed till the next date of hearing.

January 22, 2016
sukhpreet

(Rajan Gupta)
Judge