(275)

2026:PHHC:017811

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42820-2017
Date of Decision:-05.02.2026

HARPAL SINGH

......Petitioner

VERSUS

SATBIR SHARMA & OTHERS

......Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Manjeet Singh, Advocate
for the Petitioner.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under 482 Cr.P.C. is for quashing of the order dated 24.08.2016 (Annexure P-4) passed by the Trial Court in Criminal Complaint No.192-1 dated 14.07.2015 titled as *'Harpal Singh Vs. Satbir Sharma & others'* dismissing the complaint and quashing of the order dated 09.08.2017 (Annexure P-6) passed by the Revisional Court whereby the Criminal Revision No.205 of 2016 titled as '*Harpal Singh Vs. Satbir Sharma & others*' has also been dismissed.

2. The brief facts of the complaint are that the petitioner/complainant (hereinafter referred to as the petitioner) had joined the services of The Haryana State Co-op. Agriculture & Rural Development Bank Ltd. as Law Officer in the year 1985 and superannuated on 31.08.2009 from the post of General Manager/Secretary of the Bank. During the tenure of his service in the bank, he was in the need of money and he applied for a loan from the bank at Hisar in the year 2007. He obtained a loan amount of

Rs.5 lac under the Underground Pipeline Scheme after mortgaging his agriculture land situated in the revenue estate of village Rawalwas Khurd as per terms and conditions of the registered mortgage deed, dated 28.06.2007. Mutation of the same was sanctioned in favour of the bank in the record. Respondent No.3/accused No.3 Dalip Singh (hereinafter known as the respondent No.3) was posted as Branch Manager, who was working as a Land Valuation Officer at Hisar was having a personal grudge against the petitioner. As per the mortgage deed, dated 28.06.2007, the loan amount could be recovered by the bank under the conditions of mortgage deed as well as under the provisions of Sections 75 and 80 of The Haryana Co-op. Societies Act, 1984. However, the respondents intentionally and deliberately violated the terms and conditions of the aforesaid Act and all the respondents with a malafide intention committed the offence of defamation against the petitioner which lowered his reputation in the eyes of law, relatives and general public. It was further alleged that all the respondents hatched a conspiracy against the petitioner only to defame him in the eyes of society and with this motive, they got published the same in the Newspaper "Dainik Bhaskar", dated 26.06.2015 in the list of defaulters alongwith his photo despite the fact that there was no provision in the Bank Rules & Regulations, nor, the condition to publish the name of the petitioner in the newspaper, was mentioned in the mortgage deed, dated 28.06.2007 or any other document signed by him in this regard. It was further alleged that no notice of recovery was ever issued to the petitioner prior to publishing his name in the list of defaulters in the aforesaid newspapers as prior notice was mandatory to take such steps. This act and conduct showed that respondent No.3 had a personal grudge against the petitioner. If the respondents wanted to publish the list of defaulters alongwith their photographs in the newspaper, they ought to have mentioned this condition in the mortgage deed and other documents of the bank. It was further alleged that the name of the petitioner while publishing his name in the list of the defaulters had been highlighted to the effect that "Bank Ka Purv Prabandhak, Sector-15 Mein Alishan Kothi. These words highlighted in the publication of the newspapers, were not the subject matter of the loan, nor was the aforesaid house of the petitioner the subject matter of the complaint. The names of several persons had been published in the same newspapers in the same column but nowhere has it mentioned regarding their land, house and other properties or their social status. In this manner, the respondents had lowered down the reputation and prestige of the petitioner in the eyes of the society, relatives and public at large. In this manner, the respondents had committed the offences under Sections 499/500 IPC for which they all were to be summoned under Section 499/500 of Indian Penal Code.

3. On examination of the preliminary evidence, the complaint came to be dismissed by the Court of JMIC, Hisar vide judgment dated 24.08.2016 (Annexure P-4). The relevant extract of the said judgment is below:-

> *"5. After hearing the learned counsel for the complainant and after going through the case file, this Court is of the considered view that there are no reasons to proceed further against the accused in this complaint. It is not disputed that complainant has taken a loan of Rs.5 lac under scheme for water conveyance system i.e. (UGPL) scheme in Haryana in the year 2007 as is duly proved from the loan application Ex.P1 and Ex.P2, the copy of said scheme. It is himself mentioned by the complainant in his complaint that he has*

mortgaged his land situated within the revenue estate of village Rawalwas Khurd as co-lateral security of the said loan. But there is nothing on file to prove that the said loan was repaid by the complainant. As such, it can be said that the complainant has failed to repay the said loan, therefore, the complainant has become a defaulter. From the perusal of Ex.P3, it is crystal clear that a resolution No.7 has been passed by the Board of Directors of The HSCARDB, Panchkula in its meeting held on 5.08.2015 at 11.30 A.M. under the Chairmanship of Sh.Sudhir Rajpal, I.A.S., Principal Secretary to Government of Haryana, Cooperation Deptt. Chandigarh and vide which the bank started taking legal action against the big and willful defaulters atleast 10 cases in each branch. As such, it seems that as per the aforesaid decision of the Government the bank also published photograph of the defaulters in the newspapers on regular basis and also put their photographs in public places like Panchayat Ghar of the village, in the bank branches of the other banks situated in an around the villages of the defaulters. It has nowhere been proved by the complainant that he was regularly paying the loan amount and he was never the defaulter of the bank. Further more, it has been specifically mentioned in the newspapers in the opening lines, above the photographs of the defaulters that all the loanees have become defaulters since many years and it was requested the defaulters vide the publications Ex.P4 and Ex.P5 to contact the concerned bank to return the loan amount till 30.06.2015 because if they will return the loan amount till the said date, the interest on the loan amount will be exempted under special scheme of Haryana Government. It is an admitted fact that the complainant is ex-offcer of the bank and he must be fully aware about the said scheme but despite it he did not bothered to repay the loan amount allegedly obtained by him form the bank, rather, he has filed the present complainant against the accused persons by levelling false allegations against them as they had got published the name of the complainant due to some personal *grudge. But no evidence has been placed on file that accused persons had ever any personal grudge against the complainant. In the absence of any cogent evidence, it seems that complainant has levelled false allegations against the accused persons only to escape himself from his legal liability to repay the loan amount as it is hard fact the complainant is a defauter of the bank and the accused have not got published the name of complainant in the list of defaulters in the newspapers Ex.P4 and Ex.P5 in their personal capacity, rather, they are discharging their duty in their official capacity to got publish the name of complainant in the aforesaid newspapers.*

Hence, in view of first exception of Section 499 of Indian Penal Code, wherein it provides:-

"Imputation of truth which public good requires to be made or published. It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact."

6. Accordingly, on the basis of the above discussion, this complaint is dismissed being devoid of any merit. File be consigned to the record room after due compliance."

4. The petitioner filed a revision petition before the Court of Addl. Sessions Judge, Hisar and vide judgment dated 09.08.2017 (Annexure P-6), the revision petition also came to be dismissed with the following observations:-

"8. Admittedly the complainant had taken a loan of Rs.5 lac under scheme for water conveyance system i.e. (UGPL) scheme in Haryana in the year 2007 and he had mortgaged his land as co-lateral security of the said loan. There is no evidence on record on behalf of the complainant that he has repaid the loan amount and is not a defaulter. There is no dispute about the fact

that the bank had published the list of the defaulters along with their photographs in the new paper. It has been mentioned in the newspapers in the opening lines, above the photographs of the defaulters that all the loanees have become defaulters since many years and it was requested the defaulters vide the publications Ex.P4 and Ex.P5 to contact the concerned bank to return the loan amount till 30.06.2015 because if they will return the loan amount till the said date, the interest on the loan amount will be exempted under special scheme of Haryana Government. The complainant should have taken benefit of the aforesaid scheme and should have repaid the loan amount but instead of repaying the loan amount, the complainant has filed the present complainant. Moreover, no evidence has been placed on file that accused persons had ever any personal grudge against the complainant. The complainant has levelled false allegations against the accused persons only to escape himself from his legal liability to repay the loan amount as it is hard fact the complainant is a defauter of the bank and the accused have not got published the name of complainant in the list of defaulters in the newspapers Ex.P4 and Ex.P5 in their personal capacity, rather, they are discharging their duty in their official capacity to got publish the name of complainant in the aforesaid newspapers. In case Pepsi Foods Ltd. And another Versus Magistrate and others reported in JT1997(8)SC705, it has been held by Hon'ble Supreme Court of India that :-

Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and law applicable thereto. He has to examined the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the *accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of accused. Magistrate has to carefully scrutinies the evidence brought on record and may event himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.*

9. From the aforesaid facts and circumstances of the case and case law referred above, it can be safely concluded that there is no illegality in the impugned order. As such the learned trial court is perfectly justified in dismissing the present complaint.

10. In view of above discussion, it is held that present revision is bereft of any merit and therefore, the same is liable to be dismissed."

5. Thereafter, the instant petition has been filed challenging the aforementioned judgments.

6. The learned counsel for the petitioner contends that both the Courts below have erred in holding that the act of publishing the list of loanees has been done in discharge of official duties. There were no provisions either in the Rules of the Bank or in the registered mortgage deed authorizing the respondents to take such action. The resolution, which has been referred to as the basis for publishing the list of defaulters, was admittedly passed on 05.08.2015 whereby the Bank officials were, for the first time, authorized to take such action whereas the respondents had got published the list of defaulters in the newspapers on 26.06.2015 i.e. prior to the passing of resolution dated 05.08.2015. He contends that the Courts below were swayed by the fact that the petitioner had not repaid the loan amount and as such is a defaulter. The default by the petitioner was not subject matter of the complaint insomuch as the petitioner was entitled to

repay the loan amount till 2017 i.e. within 10 years of the disbursal of loan amount. However, the respondents, with an oblique motive, got the list of loanees published in sheer violation of the Rules of the Bank as well as the terms and conditions of the mortgage deed depicting the photograph and the designation as well as the assets of the petitioner so as to defame him in the public at large. The publication was a result of conspiracy hatched between the respondents in order to lower the reputation of the petitioner in the Society. He contends that the respondents were obliged to serve a demand notice upon the petitioner before publishing the photograph and details of the petitioner in the newspaper in the list of defaulters. It is apparent from the documents exhibited before the Trial Court that no demand notice was ever served upon the petitioner and as such there was no requirement for publishing the name, photograph, designation and assets of the petitioner in the newspaper. It is not the case that the petitioner did not repay the loan even after demand notice. Thus it is evident that the list of defaulters was published maliciously in order to defame the petitioner only. Thus, the respondents accused are liable to be proceeded against for commission of the offences under Section 499/500 IPC.

7. I have heard the learned counsel for the petitioner.

8. A perusal of the facts and circumstances would show that the respondents only acted in their official capacity to get the name of the petitioner published in the newspaper as he was a loan defaulter. There is no evidence of any personal grudge of the respondents against the petitioner. There is no evidence to suggest that the petitioner had repaid the loan. It appears that the instant complaint has been filed only to escape his liability from the said payment and to pressurize the respondents who are employees

of the Bank. In fact, there is absolutely nothing to suggest that the respondents acted deliberately in a manner so as to defame the petitioner.

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

05.02.2026
JITESH

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