

MANIK GOYAL & OTHERS VS STATE OF PUNJAB & ANOTHER

Present :- Mr. R.S. Bains, Sr. Advocate with
Mr. Loveneet Thakur, Advocate;
Mr. Sarabjot Singh Cheema, Advocate for the petitioner(s).

Mr. Chanchal Kumar Singla, Addl. A.G. Punjab
with Ms. Ravinder Kaur, Advocate and
Mr. Rahul Aryan, Advocate.

Seeking quashing of FIR bearing No.67 dated 12.12.2025 registered under Sections 353(1), 353(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Cyber Crime, Police Commissionerate Ludhiana City alongwith all the consequential proceedings arising therefrom qua the petitioners and for staying of further proceedings/operations, the instant petition has been filed.

Learned Senior counsel appearing on behalf of the petitioners *inter-alia* contends that petitioner No.1-Manik Goyal, is a Law student and a committed RTI activist; petitioner No.2-Baljinder Singh @ Mintu Gurusaria, is a Journalist, satirist and analyst; petitioner No.3-Maninderjeet Singh, is the owner and Editor of Lok Awas Television and is a seasoned Journalist and Investigative Reporter and petitioner No.4-Mandeep Singh Makkar, is a law graduate and a Journalist.

He contends that petitioner No.1 had sought information under the RTI Act with respect to the expenditure incurred by the Government of Punjab on chartering /hiring of jets, aeroplanes and helicopters since March 2022, including details such as the dates of travel, destinations, names of the persons who undertook such travel etc. The said application was however rejected by the authorities invoking Section 24 of the Right to Information Act, 2005 on the ground that the information sought pertained to the security

of the dignitaries. The same was thus withheld. It is further contended that the information sought does not fall within the ambit of Section 24 of the Act, however, notwithstanding the same, information regarding the use and movement of helicopters is otherwise available in the public domain on the website “**FlightRadar24**”, where such details can be accessed by entering the registration number of the helicopter, which establishes that the information sought is not personal or protected and is already available for public knowledge, on public platform.

It is submitted that upon noticing that the Helicopter in question had undertaken multiple flights in the month of December i.e. during a period when the Chief Minister of Punjab was out of Country, the petitioner proceeded to publish a news story on his journal/media platform setting out the details of the Helicopter flights commencing from 01.12.2025 onwards. It is further submitted that the present FIR has subsequently been registered against the petitioner for the said news story published by the petitioner. The allegations forming basis of registration of the FIR reads thus:-

“..... Screenshots of the impugned material are annexed herewith for reference. A preliminary examination of the uploaded contents reveals that it comprises distorted, unverified, and patently incorrect assertions pertaining to the deployment and utilization of a helicopter allegedly associated with the Hon'ble Chief Minister of Punjab. The content is predicated upon erroneous interpretation of flight-tracking data, selective presentation of extraneous visuals, and insinuatory remarks bereft of factual foundation, thereby constructing a false, misleading, and deliberately fabricated narrative. The aforesaid posts seek to create an impression that the helicopter in question was allegedly engaged in unauthorized or suspicious activities during the period when

the Hon'ble Chief Minister was on an official foreign visit. These insinuations are manifestly baseless and stand in direct contradiction to official records. The Civil Aviation Department, Punjab, has categorically clarified that the said helicopter was used by an individual holding a constitutional office, duly authorized and empowered to utilize the aircraft for official purposes on the relevant dates. By willfully disregarding verified governmental information and disseminating concocted interpretations, the uploader has engaged in the deliberate propagation of misinformation and disinformation with the malafide intent to mislead the public, generate unwarranted apprehension, and malign the functioning of constitutional authorities. Such conduct is capable of eroding public confidence, impeding official duties, disrupting governmental functioning, and fomenting unnecessary public speculation. The pervasive circulation of this misleading material further poses a substantive risk of undermining institutional integrity, engendering social polarization, and catalyzing the spread of additional unverified narratives, thereby affecting public order and administrative harmony in the sensitive border state of Punjab. Prima facie, the actions of the accused persons constitute cognizable offences punishable under Sections 353(1), 353(2), and 61(2) of the Bharatiya Nyaya Sanhita, 2023. The genuineness, accuracy, and provenance of the impugned content shall be comprehensively examined during the investigation. Consequently, a case under Sections 353(1), 353(2), and 61(2) of the Bharatiya Nyaya Sanhita, 2023 is hereby registered".

Counsel contends that the prime ingredients for commission of an offence under Section 353 of the Bharatiya Nyaya Sanhita, 2023 are not made out in the present case since the narrative published by the petitioner was founded upon information already available in the public domain and

that there is no denial of the fact that the Chief Minister of State was not in India during the relevant period.

He further contends that the freedoms guaranteed under the Constitution entitle the public to receive information and to engage in fair criticism of the matters of public importance. Fair reporting of information or legitimate criticism of the Government cannot be gauged by registration of FIRs. Reliance in this regard is placed on the judgment of the Supreme Court passed in the matter of ***Kedar Nath Singh Vs. State of Bihar*** reported as ***AIR 1962 SC 955*** as well as ***Romesh Thapar V. State of Madras*** reported as AIR 1950 SC 124 wherein the freedom of speech and expression, including freedom of the press to report events and to spread awareness amongst the masses has been recognized as a foundational pillar of democracy and as essential to public education and free political discussion. Further reliance is placed on the judgment passed by the Supreme Court in the matter of ***Bennett Coleman and Co. Vs. Union of India*** reported as 1972 (2) SCC 788, and subsequent judgments of the Supreme Court which re-iterate the aforesaid position in law.

He accordingly prays that, in view of the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, the registration of the impugned FIR constitutes a clear abuse of the process of law and reflects weaponisation of criminal process by the State to silence legitimate criticism. It is thus contended that the further proceedings arising out of the FIR in question be stayed in the interest of justice.

Notice of motion.

Learned State counsel accepts notice on behalf of the respondent-State and submits that the petitioner had uploaded inflammatory

material and had carried a story which had the potential to disturb public tranquillity, hence, the registration of the FIR was justified. Learned counsel referred to certain screenshots of the material uploaded by the petitioner and prayed that he be permitted to place on record additional relevant material, which would *prima facie* disclose the ingredients of the offences for which the FIR has been registered. He contends that the said screen-shots however ought not to be commented upon or examined at this juncture. He further contends that the FIR is still at a nascent stage and hence, further investigation be allowed to be continued at this juncture and be not stayed. Reliance in this regard has been placed on the judgment of the Supreme Court in **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and other** reported as **2021 SCC Online SC 315**, wherein it was held that, save and except in exceptional circumstances where non-interference would result in a miscarriage of justice, the court ought not to interfere with the investigative process at the stage of investigation of an offence.

Learned State counsel prays for time to file a reply so as to place on record the material which constitutes the ingredients of the offence for which the impugned FIR has been registered.

List on 23.02.2026.

Right of reporting as a part of journalistic freedom of speech and expression has arisen much often for consideration before Courts. Much often, criticism and satire is hardly cherished by people holding public office and at some times, the reactions come forth by way of cyber-bullying, sulling or even silencing the critique and criticism. Merely because a

person holding a public office feels offended may not be the yardstick on which State action is to be measured. It would also not be influenced by the projections sought to be portrayed by State. The yardstick always has to be that of ordinary prudence and a direct nexus. A remote possibility of some reaction or motivated artificial inflammation of sentiments or such display shall hold such person liable for such action and the criminal liability would not trickle to the authors. The test of conduct of a reasonable person with objective ordinary prudence also lies on the person who sets the criminal law in motion. Legal principles do not change on the basis of who the complainant or the accused may be. The uniformity of law and its universal application is what a Court is required to do.

While this Court does feel that social media influences and print/visual media should adhere to the ethics of journalism reflecting commitment to truth, accuracy and independent, impartial reporting and not an unfair, motivational and spread of propaganda, however, the said aspect is yet to be determined. Issues pertaining to existence of ingredients for *prima facie* commission of offence are required to be demonstrated. Continuation of criminal process, in the meantime, would prejudice rights of the aggrieved. The same thus needs to be protected at this stage.

In the meanwhile, further investigation shall remain stayed till the next date of hearing.

12.01.2026
Mangal singh

(VINOD S. BHARDWAJ)
JUDGE