

IN THE COURT OF SARVEESHA SHARMA, JUDICIAL MAGISTRATE
IST CLASS, SAS NAGAR, MOHALI (UID No. PB00699)
(DUTY)

State Vs. Jagmal Samra

FIR No. & Dated	22 Dated 21.10.2025
Under Sections	340 (2), 353 (1), 353 (2), 351 (2), 356 (4) of BNS & Section 67 of IT Act
Police Station	State Cyber Crime, Phase- 4, SAS Nagar, Mohali

Application for directing the Meta Platforms Inc. I
Meta Way, Menlo Park CA 94025 for blocking the
video in question

Present Mr. Hanvir Singh, APP for the State
 Complainant/IO in person

ORDER:

1. This order of the court shall dispose of an application moved on 21.10.2025 before the undersigned being Duty Magistrate (from 19.10.2025 to 22.10.2025) vide which directions have been sought to the Meta Platforms Inc. I Meta Way, Menlo Park CA 94027 for blocking the video, details of which are mentioned in the application. The application has been moved by SHO, Police Station State Cyber Cell. As a precursor to this application, an FIR under Sections 340 (2), 353 (1), 353 (2), 351 (2), 356 (4) of BNS & Section 67 of IT Act Dated 21.10.2025 was registered on the basis of information of IO/SHO Gaganpreet Singh that it came to his notice through social media monitoring cell that certain objectionable material with malafide intention and which is vulgar was posted on a

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social media platform: Facebook, through an account by the name of '*Jagman Samra*'. It has been further mentioned in the FIR that upon preliminary examination, it was discovered that the material could even be AI-generated. On the basis of these allegations, present FIR was registered. This court is cognizant of the fact that there is no interdiction in law which prohibits an IO from being an informant. For this purpose, this court places reliance on the judgment of the Hon'ble Supreme Court titled as '**Mukesh Singh Vs. State (Narcotic Branch of Delhi)**' SC 2020.

2. In support of the application, it has been submitted that the FIR has been registered against accused Jagman Samra with the allegations that accused has been operating a Facebook account with user name '*Jagman Samra*' having URL link <https://www.facebook.com/jagman.samra.369309> and have uploaded multiple posts having the following URLs links:-

- (i) Jagman Samra (Reel) : <https://www.facebook.com/share/r/1CnW9kyoms/>
- (ii) Jagman Sama (Story) : <https://www.facebook.com/share/17GiDAjhJC/>
- (iii) Jagman Samra (Story) : <https://www.facebook.com/share/17kxHfH7vK/>
- (iv) Jagman Samra (Story) : <https://www.facebook.com/share/1AbB7BwWp4/>,
- (v) Jagman Sama (Story) : <https://www.facebook.com/share/p/1FmfM7D53X>

3. It has been further averred that the aforementioned account is being operating by accused Jagman Samra, who is presently residing in Canada and that he has uploaded AI-generated videos and images, impersonating the Chief Minister of Punjab Sh. Bhagwant Mann and that these videos and images constitute fabricated and synthetic media which have been deliberately created and circulated with malicious intent to mislead the public with intention to harm the public image

of the Chief Minister of Punjab and that the same is solely a manipulated information about him among the citizens of Punjab. It has been further contended that the user of the account had been identified as Jagman Samra who is presently residing in Canada and consequently, the FIR has been registered against him.

4. Hence, by way of instant application, prayer has been made that the application be allowed that the administrator of Facebook be directed to remove/block such content immediately under the relevant provisions of IT Act, 2000 otherwise irreparable damage would be caused to the reputation of Chief Minister of Punjab.

Analysis & Discussion:

5. Perusal of the application and the FIR reveals that specific account and URLs have been mentioned in respect to which indulgence of this court is sought. Along with the application, copy of the FIR, photocopy of alleged objectionable content and pen drive containing that objectionable content has been appended. On asking of a specific query by this court as to whether any representation was made to Meta Platforms Inc. as per the provisions of IT Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 hereinafter referred to as 'IT Rules, 2021'. Consequently, copy of the representation made to Meta Platforms Inc. on 21.10.2025 as well as reminder dated 21.10.2025 has been placed on record. Further, IO/SHO, Police Station State Cyber Crime has also suffered a statement that the objectionable content posted by the user contains fabricated and synthetic material with malicious intent to mislead the public and the content is indecent and has the tendency to disturb public order.

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This court has gone through the material placed on record. Before delving into the merits of the matter, relevant provisions of the law as well as judicial precedents are being reproduced as under:-

(a) Right to freedom of speech and expression has been recognized as a fundamental right under Article 19 (1) (a) of the Constitution of India:

19. (1) All citizens shall have the right— (a) to freedom of speech and expression;

However, it is not an absolute and unbridled right and must always be read with Article 19 (2) which imposes reasonable restrictions.

*19 (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of 4 [the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, **decency or morality**, or in relation to contempt of court, **defamation** or incitement to an offence.*

6. Right to privacy, though still at a nascent and evolving stage, has still firm its *terra-firma* under Article 21 of the Constitution in view of the judgment passed by the Hon'ble Apex Court titled as '**K.S. Puttaswamy Vs. Union of India**' 2017 Supreme Court. Even prior to 2017, the Hon'ble Supreme Court in case titled as '**R Raja Gopal Vs. State of Tamil Nadu**' 1994 Supreme Court held that '*there must be a balance of right between right to freedom of speech and expression and*

right to privacy of citizen.’ It was held that decency and defamation are two of the grounds mentioned in Clause 2 of Article 19. It was further held that:

(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a “right to be let alone”. A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others.

(3) There is yet another exception to the rule in (1) above — indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct **relevant to the discharge of their official duties**. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the

publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true. **Of course, where the publication is proved to be false and actuated by malice or personal animosity, the defendant would have no defence and would be liable for damages. It is equally obvious that in matters not relevant to the discharge of his duties, the public official enjoys the same protection as any other citizen, as explained in (1) and (2) above.'**

7. The relevant provisions of Information Technology Act, 2000 are being reproduced hereunder:-

As per Section 67 of the Act, *Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.*

As per Section 79 of the Act;-

(1) *Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.*

(2) *The provisions of sub-section (1) shall apply if–*

(a) *the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or*

(b) *the intermediary does not– (i) initiate the transmission, (ii) select the receiver of the transmission, and (iii) select or modify the information contained in the transmission;*

(c) ***the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.***

(3) *The provisions of sub-section (1) shall not apply if–*

(a) *the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;*

(b) ***upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled***

by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.—For the purposes of this section, the expression —third party information means any information dealt with by an intermediary in his capacity as an intermediary.

8. Section 79 (2) (c) provides for observation of **due diligence** by intermediaries. As per IT Rules, 2021, due diligence by an intermediary has been laid down under Part II Section 3 of the Rules. The Rules relevant to the present case are being reproduced as under:-

3 (b) the intermediary shall inform its rules and regulations, privacy policy and user agreement to the user in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice and shall make reasonable efforts 1 [by itself, and to cause the users of its computer resource to not host], display, upload, modify, publish, transmit, store, update or share any information that,—

(i) belongs to another person and to which the user does not have any right;

(ii) is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, relating or encouraging money laundering or gambling,2

[or an online game that causes user harm,] or promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence;

*(iii) ******

*(iv) ******

(v) deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any misinformation or information which is patently false and untrue or misleading in nature 3 [or, in respect of any business of the Central Government, is identified as fake or false or misleading by such fact check unit of the Central Government as the Ministry may, by notification published in the Official Gazette, specify];

(vi) impersonates another person; (vii) threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence, or prevents investigation of any offence, or is insulting other nation.

Rule 3 (d) imposes a positive duty on an intermediary:

(d) an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with

foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

Provided that any notification made by the Appropriate Government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by an authorised agency, as may be notified by the Appropriate Government:

Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from the receipt of the court order or on being notified by the Appropriate Government or its agency, as the case may be:

Provided also that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause, under clause (b) on a voluntary basis, or on the basis of grievances received under sub-rule (2) by such intermediary, shall not amount to a violation of the conditions of clauses (a) or (b) of sub-section (2) of section 79 of the Act.

9. In the case titled as '**X Vs. Union of India & Ors**' W.P. (Crl) **1082/2020**, the Hon'ble Delhi High Court held that: '*the internet never sleeps and the internet never forgets*'. It relied on the decisions titled as '**Shreya Singhal Vs. Union of India**' (2015) 5 SCC 1, '**ABC Vs. DEF**', '**YouTube LLC Vs. Geeta Shroff**' 2018 SCC Online DEL 9439 and laid down guidelines for the Courts to follow for removal of objectionable content. The removal and disablement has to

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be complete in respect of the cause over which the court has jurisdiction. It cannot be limited on partial in nature, so as to render the order of this court completely toothless.

10. In the present case, the alleged objectionable material has not been posted by any publisher or press but by a private individual. This court has gone through the contents of objectionable material and is *prima facie* of the opinion that it is indecent and sordid at the very least. Secondly, considering the fact that the objectionable material is against a public official, Chief Minister of Punjab Sh. Bhagwant Mann, the tendency of the material to incite public disorder cannot be absolutely ruled out with certitude. Thirdly, at this stage, the apprehensions that the material could be AI-generated or synthetic cannot be said to be absolutely unfounded.

Whether the alleged material is AI-generated or not and whether it attracts any penal provisions of law, can only be seen at the stage of evidence with the assistance of expert opinion. At this stage, without going into the merits of the matter, it would be appropriate to direct the blocking and taking down of the allegedly objectionable material as *prima facie* it appears to be indecent, immoral and beyond the bounds of responsible reporting.

If the rights of an individual are not protected at the earliest and the competent court were to finally come to a conclusion that the alleged material was in-fact AI-generated or defamatory or indecent, then no purpose would be served as the right would become infructuous. Even if the competent court were to decide otherwise, at this stage, it is appropriate to take down the alleged material as it is

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not based on any public record and does not touch upon the discharge of official functions as a public servant. The perusal of IT Act Rules, 2021 reveals that an intermediary who comes into the possession of confidential information and is put on notice of the character of the information and the circumstance, in which it was unlawfully obtained, is under an obligation to take down such information. Even otherwise, immediate action in the present circumstances is necessary to demonstrate that wrongful conduct will be remedied effectively.

Conclusion:

11. In view of the abovesaid discussion, the application stands **allowed** and following directions are issued in exercise of powers under Rule 3 (d) of the IT Rules, 2021:-

i) Meta Platforms, Inc., (Facebook) is directed to remove the content with respect to the specific URLs as mentioned below:-

- (i) Jagman Samra (Reel) : <https://www.facebook.com/share/r/1CnW9kyoms/>
- (ii) Jagman Sama (Story) : <https://www.facebook.com/share/17GiDAjhJC/>
- (iii) Jagman Samra (Story) : <https://www.facebook.com/share/17kxHfH7vK/>
- (iv) Jagman Samra (Story) : <https://www.facebook.com/share/1AbB7BwWp4/>,
- (v) Jagman Sama (Story) : <https://www.facebook.com/share/p/1FmfM7D53X>

The allegedly offensive material is directed to be removed forthwith and in any event within 24 hours of the receipt of the court order.

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ii) The Meta Platforms, Inc., (Facebook) is also directed to preserve all the information and associated record relating to the offending material so that the evidence in relation to the offending content is not vitiated.

iii) A direction is also issued to Meta Platforms, Inc., (Facebook) to remove and block all identical, mirror or derivative versions of the objectionable content uploaded or circulated as and when the specific account details and URLs are communicated by State Cyber Crime Department.

iv) A direction is also issued to Google (search engine) that the offensive content should be non-searchable by de-indexing and de-referencing the offensive content.

v) In reference to the provisions of Section 79 (3) (b) R/w Section 85 of the IT Act and Rule 3 & 7 of the IT Act Rules, 2021, the intermediary would forfeit the exemption from liability enjoyed by it under the law if it were to fail to observe its obligations for removal/access disablement of the offending content despite a court order to that effect.

The application stands **disposed of**. Papers be sent back to the concerned court.

Pronounced in open Court:
22.10.2025
(Simran Dhiman)

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