



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103/A

CRM-M-11055-2021

SANJAY SINGH

...Petitioner(s)

Versus

BIKRAM SINGH MAJITHIA

...Respondent(s)

1.	The date when the judgment is reserved	10.03.2026
2.	The date when the judgment is pronounced	27.03.2026
3.	The date when the judgment is uploaded on the website	27.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nikhil Sheoran, Advocate
for the petitioner.

Mr. D.S. Sobti, Advocate and
Mr. Sultaan Singh Sangha, Advocate,
Mr. Savpreet Gujral, Advocate and
Mr. Bhavesh Puri, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J.

The petition has been filed under Section 482 of the Criminal Procedure Code, 1973 (Cr. P.C.), for setting aside the order dated 25.02.2021, Annexure P-10, passed by learned Additional Chief Judicial Magistrate, Ludhiana, whereby the petitioner’s application seeking permission to summon judicial file of the case titled *State v. Jagjit Singh alias Jagjit Singh Chahal*, pending in the Court of learned Special Judge, Central Bureau of Investigation, to cross-examine the respondent/complainant in complaint case



CRM/69/2016, dated 07.01.2016 titled *Bikram Singh Majithia v. Sanjay Singh and others*, has been declined; a prayer has also been made to defer cross-examination of the complainant.

2. As per facts apparent on record, the respondent/complainant filed a complaint against the petitioner under Section 190 Cr.P.C. for commission of offences of criminal defamation and publication under Sections 499, 500, 501, 502 and 120-B IPC, dated 07.01.2016, Annexure P-1. He was summoned along with co-accused to face trial vide order dated 22.01.2016, Annexure P-2. The examination-in-chief of the respondent/complainant was recorded on 04.12.2017, and thereafter, on 14.08.2019. He was partially cross-examined on 03.10.2019, it was deferred on request of learned counsel for the petitioner/accused; and was again cross-examined on 17.02.2021 but it could not be concluded. On 25.02.2021, during further cross-examination respondent/complainant was confronted with a photocopy of the statement made by one Jagjit Singh Chahal before the Enforcement Directorate (ED) in a case pending before the Special Judge, CBI at Mohali. However, an objection was raised on behalf of the complainant regarding inadmissibility of the photocopy, and also that the same did not concern the complainant or the accused of the case. Therefore, the petitioner moved an application for permission to summon judicial file of that case titled *State v. Jagjit Singh alias Jagjit Singh Chahal*, pending before the Special Judge, CBI at Mohali, Annexure P-9. The application was, however, dismissed by the trial Court vide impugned order dated 25.02.2021, which reads as under:

CWI Bikram Singh Majithia, re-called for further cross-examination on SA.

X X X X mn. by Sh. Himmat Singh Shergill, Advocate with Sh. Ferry Sofat, Advocate & Sh. Kashmir Singh Malhi, Advocate.



I do not know whether Jagjit Singh Chahal made statement before the Enforcement Directorate against me. Statement mark BX put to the witness (Objection by counsel for the complainant regarding putting the said document being a photocopy, inadmissible, source not known and does not concern the complainant or the accused of the present case or the matter in hand. (Document being photostat copy cannot be put and photocopy is taken on record at this stage.).

The learned counsel for accused has moved an application for permission to summon the judicial file of case titled as State Vs. Jagjit Singh Chahal pending in the court of Ms. Harinder Kaur Sidhu, Special Judge, CBI and Enforcement Directorate, Mohali. It is averred in the application that the accused intends to put the statement of Jagjit Singh Chahal to the witness and the aforesaid file be summoned. Heard. The present case is pending since long for the cross-examination of the complainant. No application was moved to summon the file earlier. This court is of the view that the accused can summon the file in his defence evidence. Accused could have get the certified copy of the statement. At this stage, no ground is made out to summon the file.

The learned defence counsel has submitted that the cross-examination be adjourned as they intend to challenge the order of this court. Heard. No ground is made out to adjourn the case or defer the cross-examination. Learned counsel is asked to complete the cross-examination, failing which the cross-examination will be treated as NIL.

Again learned defence counsel has submitted that one week time be given to conduct the cross-examination as they intend to challenge the order of this court. They intend to summon the original file from the court of Special Judge, CBI, Mohali. Heard. As per the directions of Hon'ble Supreme Court the cases of MPs and MLAs have to be decided expeditiously. No ground is made out to defer the cross-examination. Request considered and declined.



Again learned defence counsel has requested that some time be given to conduct the cross-examination. Heard. Request considered and declined.

Cross-examination is treated as NIL.

3. In this factual background, learned counsel for the petitioner contended that summoning of judicial file of the case titled *State v. Jagjit Singh alias Jagjit Singh Chahal*, is relevant for cross-examination of the complainant and his witnesses, and the trial Court has committed illegality in declining the prayer. The order has been passed on wrong facts and, therefore, needs to be set aside. Further, cross-examination of the complainant was delayed only because of his conduct; he first came in the witness box on 03.10.2019, and took two years to again appear on 17.02.2021 and 25.02.2021, whereas the petitioner cross-examined him on all three occasions.

4. *Per contra*, learned counsel for the respondent contended that the complainant has already been cross-examined at length on three dates and the impugned order has rightly been passed declining the prayer to defer the cross-examination. Secondly, he has contended that the petitioner's application for summoning the witness/Record Keeper of ED, Jalandhar, along with record of statements of Jagdish Singh *alias* Bhola s/o Balshinder Singh, Jagjit Chahal, Maninder Singh Aulakh *alias* Bittu Aulakh, in a case regarding prevention of drugs and money laundering has already been rejected by the trial Court vide order dated 23.08.2017, Annexure P-3, which has never been challenged by him. Accordingly, his application to summon the judicial file concerning the same case cannot be entertained.

5. Arguments advanced by learned counsel for the parties have been considered.



6. As apparent on record, the petitioner/accused cross-examined the respondent/complainant on 03.10.2019, thereafter on 17 and 25.02.2021, but the cross-examination remained inconclusive. The reason is, the petitioner moved an application seeking permission to summon the judicial file of another case titled *State v. Jagjit Singh*, pending before the Special Judge, CBI at Mohali, to confront the complainant with the statement of Jagjit Singh Chahal given to the ED. The application was declined on the ground that the petitioner could summon the file of that case in his defence evidence or could have obtained a certified copy of the statement for the purpose of cross-examination. This Court finds nothing irregular or illegal about the view taken by the trial Court in rejecting the application, vide impugned order dated 25.02.2021. However, the petitioner's request to defer cross-examination to enable him to challenge the order of rejection was also turned down by the trial Court. Faced with this situation, he asked for some more time to conduct cross-examination which was also declined and cross-examination was treated as Nil, vide the same order. This abrupt closure of cross-examination is not justifiable. No reason has been cited for doing so except the urgency to decide cases of MPs/MLAs as per the Supreme Court directions. But the delay, if any, in the trial has not been attributed to the petitioner. It is the complainant who took about one year and four months to step into the witness box after partial cross-examination on 03.10.2019. In these circumstances, there is no reason the petitioner should suffer any prejudice which would undoubtedly be caused in case he were not allowed to conclude the cross-examination.

7. In view thereof, the petition is partly allowed. The order dated 25.02.2021 is set aside only to the extent it declines further cross-examination of the respondent/complainant, and the trial Court is directed to afford one

effective opportunity to the petitioner to cross-examine the complainant and conclude it.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

27.03.2026
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>