



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-39744-2023

BIKRAM SINGH MAJITHIA

...Petitioner

Versus

SANJAY SINGH

...Respondent

1.	The date when the judgment is reserved	March 10, 2026
2.	The date when the judgment is pronounced	March 27, 2026
3.	The date when the judgment is uploaded on the website	March 27, 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. D.S. Sobti, Advocate and
Mr. Sultaan Singh Sangha, Advocate,
Mr. Savpreet Gujral, Advocate and
Mr. Bhavesh Puri, Advocate
for the petitioner.

Mr. Nikhil Sheoran, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J.

The petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for setting aside the order dated 15.05.2023, Annexure P-11, passed by learned Additional Chief Judicial Magistrate, Ludhiana, in complaint case under Section 190 Cr.P.C., titled *Bikram Singh Majithia v. Sanjay Singh and others*, Annexure P-1, whereby the petitioner's application filed under Section 311 Cr.P.C. to lead additional evidence dated 20.02.2023, Annexure P-9, has been dismissed.

2. The facts of the case in brief are, the aforementioned complaint for commission of offences of criminal defamation and publication under Section 499 read with Section 500/501/502 read with Section 120B of the

Indian Penal Code, 1860, was filed by the petitioner against four persons - the respondent, Ramesh Vinayak, Senior Resident Editor, Hindustan Times (Chandigarh Edition), Sanjay Narayan, Editor-in-Chief, Hindustan Times (Chandigarh Edition) and Surinder Mann, Reporter, Hindustan Times (Chandigarh Edition). The complaint pertains to defamatory statement made by the respondent against the petitioner disparaging his character and alleging his involvement with drug racketeers in a public rally on 05.09.2015, which was published by daily newspaper/the Hindustan Times in its columns on 06.09.2015. The respondent along with the aforesaid three accused, Ramesh Vinayak, Sanjay Narayan and Surinder Mann, were summoned by the trial Court vide order dated 22.01.2016, Annexure P-2; the respondent was released on bail vide order dated 08.02.2016, Annexure P-5. Soon thereafter, on 11.02.2016, he again made defamatory statement against the petitioner, which was published in Jagbani newspaper (Chandigarh Edition).

2.1. After being summoned as accused, Ramesh Vinayak and Surinder Mann, tendered unconditional apologies to the petitioner stating that there were no allegations of his involvement in any kind of drug activity, vide letters dated 19.02.2016 and 27.09.2016, Annexures P-6 and P-7 respectively. Accepting the apologies, the complaint against the two was dropped on 20.02.2016 and 03.10.2016, respectively.

2.2. During trial, the petitioner moved an application under Section 311 Cr.P.C. with the following prayer:

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow the present application and the following witnesses may kindly be summoned in order to place the additional evidence on record, in the interest of justice:-

- i) Custodian of Jagbani Newspaper Chandigarh Edition dated 11.02.2016;
- ii) Authorized person from PTC News Channel from PTC News Channel office;
- iii) Record Keeper of the communications issued by Sh. Ramesh Vinayak, Senior Resident Editor to prove apology letter dated 19.02.2016;
- iv) Concerned Ahlmad along with judicial file of complaint titled as Bikram Singh Majithia vs. Sanjay Singh, pending in the Court of Sh. Aashish Saldi, Ld. Chief Judicial Magistrate, Amritsar.

The application was heard by the trial Court and dismissed vide impugned order dated 15.05.2023.

3. In this factual background, learned counsel for the petitioner firstly contended that the application has been wrongly rejected by the trial Court as the defamatory statement made by the respondent on 11.02.2016 and its broadcast on the news channel-PTC are relevant to show his conduct. Therefore, it is imperative to place on record the original newspaper and the pen drive containing the footage which he is entitled to do under Section 8 of the Indian Evidence Act, 1872. Secondly, the statements made by the co-accused are also relevant for adjudication of the complaint, as the same are confessional statements admissible under Section 30 of the Act. No other argument has been advanced.

4. Heard.

5. Both the submissions made by learned counsel for the petitioner have been squarely dealt with by the trial Court, which is apparent from the following extract of the judgment:

1. to 8. xxx xxx xxx

9. In order to establish the relevance of the above mentioned unconditional apology letters tendered by the persons enumerated hereinabove, learned counsel for applicant/complainant has strongly relied upon provisions envisaged in Section 30 of Evidence Act, thereby asserting that all these apology letters tantamount to confessional statement of co-accused and same could be relied upon while deciding the case against respondent/accused Sanjay Singh. However, even a cursory look at the provisions contemplated in Section 30 of Evidence Act would reveal that all the above mentioned apology letters are absolutely irrelevant to the adjudication of the controversy, subject matter of complaint in hand. Since even if for the sake of arguments, it is assumed that above mentioned apology letters are confession of co-accused, yet all these documents do not satisfy the mandatory conditions stipulated in the provision of Section 30 of Indian Evidence Act, 1872. Since it is sine qua non for the application of Section 30 of Indian Evidence Act, 1872 that the confession made by one of the accused would be relevant against the other co-accused if all those persons are being tried jointly for the same offence. Meaning thereby that at the time when the confessional statement is suffered and when the same is tendered in evidence, the person suffering a confessional statement should be facing trial alongwith the accused against whom the confessional statement is sought to be relied upon. However, in

the present case, it is admitted position that after accused Ramesh Vinayak and Surinder Maan suffered confessional statement, complaint against them was withdrawn by the applicant/complainant and thereafter accused Ramesh Vinayak and accused Surinder Maan did not remain co-accused of present respondent/accused Sanjay Singh. Therefore, even if the apology letters tendered by Ramesh Vinayak and Surinder Maan are assumed to be confessional statements, yet they are absolutely inadmissible in evidence against present accused Sanjay Singh. ...

10. xxx xxx xxx

11. Interestingly, the very basis of the arguments attempted to be developed by learned counsel for applicant/complainant stands eroded in view of Explanation-I appended with Section 8 of Indian Evidence Act, 1872, which, for ready reference, could be reproduced as follows:

Explanation 1. – The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

The provisions envisaged in Explanation-I appended with Section 8 of Indian Evidence Act, 1872 renders it crystal clear that the word “Conduct” contemplated in Section 8 does not take mere statements of the accused within its sweep until and unless those statements accompany and explain the acts of the accused. Moreover, the act of the accused should also be in reference to the occurrence subject matter of the trial pending against the accused. However, in the application in hand, it is specific case of the applicant/complainant that he intends to adduce evidence with respect to mere statement

suffered by respondent/accused post his release on bail in the present complaint. Therefore, the evidence sought to be adduced by applicant/complainant would squarely fall within the purview of the situation contemplated in Explanation-I appended with Section 8 of Indian Evidence Act, 1872. Those statements might give a separate cause of action to the applicant/complainant to set the criminal justice machinery into motion, yet the statement if any suffered by respondent/accused after his release on bail is absolutely irrelevant and inadmissible in evidence against respondent/accused.

This Court finds no infirmity in the reasoning recorded by the trial Court. The issues have been duly considered and rejected by correctly appreciating the provisions of law in view of the facts of the case. Accordingly, no interference is called for.

6. Dismissed.

March 27, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*