

CRM-M-3827-2014 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-3827-2014 (O&M).
Decided on: February 10, 2015.**

Dilbagh Singh @ Sonu

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.J.B.S.Gill, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner is facing trial for charge of having committed an act of accident on account of negligent act of having driven the vehicle under the influence of liquor. The petitioner as accused after arrest was allegedly taken for medical examination before the Medical Officer, C.H.C., Mahilpur.

Defence of the petitioner is that evidence that he had consumed alcohol has been fabricated by the investigating agency with mala fide intention as the deceased happened to be member of police force. One of the defence of the petitioner is that he had refused to give his signatures on account of false MLR having been prepared as such, the police officials have managed forged signatures of the petitioner while he himself did not sign the MLR.

The petitioner has approached this Court to challenge the legality and propriety of the order dismissing an

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application under Section 311 Cr.P.C., for comparison of signatures appearing on the MLR in English with the signatures on the arrest memo dated 7.11.2013 in Punjabi. He has admitted his signatures on the personal search memo and arrest memo to claim that the signatures appearing on MLR are not his signatures.

Counsel for the petitioner has vehemently contended that the petitioner has been deprived of an opportunity to establish his defence by dismissing his application for comparison of signatures on the arrest memo/personal memo with the signatures appearing on the MLR of the petitioner.

I have seen the signatures of Dilbagh Singh written in English on the MLR and the signatures in vernacular on the personal search memo/arrest memo and I am of the opinion that signatures in English cannot be permitted to be compared with the signatures in Punjabi. The application has rightly been dismissed.

I have gone through the impugned order in which the Court has observed that the petitioner accused did not raise the controversy regarding his signatures having been obtained on MLR by the police officials forcibly but perusal of the statement of PW.8 Dr.Jatinder Pal Singh in cross-examination shows that said suggestion has been given to the doctor.

Counsel for the petitioner has submitted that the investigating officer PW.3 ASI Bakshish Singh has not stated that the petitioner had appended his signatures on the MLR. PW.3 in his

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examination-in-chief has stated that the petitioner had been taken to Civil Hospital, Mahilpur in Government vehicle. The said witness has proved arrest memo and personal search memo. The petitioner appears to have not put to the investigating officer that his signatures appeared in the MLR.

Without expression of any opinion on merits of the case, at this stage, it is sufficient to observe that the examination of the doctor as a witness on oath that he had examined the petitioner medico legally after accident is not a disputed fact but the authenticity of the report has been questioned on the ground that it is not signed by the petitioner as he had protested to the wrong contents of the MLR. The trial Court appears to have not committed any error in dismissing the application for comparison of signatures.

The petition is dismissed without prejudice to the rights of the petitioner to produce any evidence in defence regarding he having been compelled to append his signatures to dispute the existence of the signatures on the record forming part of report under Section 173 (2) Cr.P.C.

February 10, 2015.
rka

(M.M.S. BEDI)
JUDGE