

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

CRM-M No.404 of 2015.

Date of Decision: July 02, 2015.

Harjinder Singh and others

....Petitioners.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rajeshwar Singh Thakur, Advocate for the petitioners.

Mr. A.S. Klar, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 482 of the Code of Criminal Procedure (in short, "Cr.P.C.") was filed by the petitioners for quashing of order dated 16.09.2014 passed by learned Additional Sessions Judge (Fast Track Court), Gurdaspur, vide which application filed by the petitioners under Section 391 Cr.P.C. in Case No.90/05.09.2012 RBT No.106/28.04.2014 titled 'Harjinder Singh and others vs. State of Punjab' was dismissed.

The petitioners were convicted for commission of offence under Sections 170 and 193 of the Indian Penal Code (in short, "I.P.C.") vide judgment dated 08.08.2012 by learned Judicial Magistrate Ist Class, Batala. The allegation against them was that they had made wrong verification on the parole papers of Jagir Singh, Surinder Singh, Major Singh and Hardeep Singh who were undergoing life imprisonment in a murder case. An appeal was preferred by them which is pending before learned Additional Sessions Judge, Gurdaspur. During pendency of the appeal, they moved an application under Section 391 Cr.P.C. seeking permission to place on record certified copy of a judgment passed in a murder case registered in the year 2000 in respect of murder of father of complainant Surinderjit Singh. They also prayed that they be allowed to produce copies of challan, charge sheet and statement of complainant Surinderjit Singh recorded in that case. The application was dismissed by learned Additional Sessions Judge (Fast Track Court), Gurdaspur, vide order dated 16.09.2014.

Feeling aggrieved, the instant petition invoking the provisions of Section 482 Cr.P.C. has been filed for quashing of the order dated 16.09.2014 passed by learned Additional Sessions Judge, Gurdaspur.

Heard the submissions made by Mr. Rajeshwar Singh Thakur, learned counsel representing the petitioners and Mr. A.S. Klar, learned Assistant Advocate General, representing the State of Punjab.

It was submitted on behalf of the petitioners that the documents which they intend to produce during appeal proceedings are material and

necessary for just and proper decision of the case. Merely because they were sought to be produced during appeal proceedings was no ground to dismiss their application.

Certified copy of the application filed by the petitioners before learned Additional Sessions Judge has been filed with the present petition as Annexure P3. What to say of stating the date of charge sheet and the date on which the statement of complainant Surinderjit Singh was recorded, particulars of the case i.e. number of the First Information Report, date of its registration and title of the case etc. to which the documents pertained, were not mentioned. The application being vague deserved to be dismissed on this very score.

Coming to the merits, learned counsel for the petitioners failed to demonstrate the relevancy of the documents with the instant case registered against the petitioners on the accusation of wrong verification of the parole papers of the convicts, who were undergoing life imprisonment in a murder case. Otherwise also, admittedly the documents now sought to be produced were in the knowledge of the petitioners. The earlier statement of the complainant, if any, could be relied upon by them only if the same had been put to the complainant when he had entered the witness box to make a statement on oath in the instant case. By simply producing a certified copy of a statement that too during appeal proceedings could be of no help and for that reason also such documents could not be allowed to be brought on record. Similarly, certified copy of the judgment and copy of the challan/charge could be of no link or help for just and proper decision of the

appeal in the instant case. Thus, finding no irregularity or perversity warranting intervention in the order of learned Additional Sessions Judge, Gurdaspur, the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

July 02, 2015
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