

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

CRM M-42123 of 2015

Date of decision : 11.12.2015

Rakesh Kumar & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Arnav Sood, Advocate for the petitioners

RAJAN GUPTA J.

Petitioner has impugned order dated 18.11.2015 passed by Judicial Magistrate Ist Class, Hoshiarpur primarily on the ground that same is non-speaking in nature.

Petitioners moved an application before the trial court contending that there was no evidence on record to connect them with the crime. According to him, petitioners have been implicated on the basis of supplementary statement of complainant recorded by investigating agency. A false identification memo was also prepared in the case. He, thus, prays that relevant documents from the investigation file be provided to the accused in order to confront the investigating officer. Plea has been rejected by the court below. Aggrieved, petitioners have approached this court.

I am not convinced with the plea. Investigation of a case takes twist and turns. Accused is at liberty to take the defence at the appropriate stage. However, he cannot be supplied documents from the investigation file for the purpose of his defence or confront the investigating officer (see *State of Orissa vs.*

Debendra Nath Padhi, 2005(1) RCR (Criminal) 297). Even otherwise allegations against the petitioners are serious. FIR was lodged by one Gurpreet Singh. He alleged that on 15.09.2011, he alongwith his wife had gone to a shop in Hoshiapur. After complainant entered the shop, he heard cries of his wife. He ran out of shop and saw a clean shaven boy standing near his car and another one sitting in the car with pistol in his hand. Both of them threatened his wife and pushed her out of the car. Thereafter, they fled the scene in the car in question. In the facts and circumstances of the case, I am of the considered view that petition is totally frivolous and is hereby dismissed.

December 11, 2015

Ajay

(RAJAN GUPTA)
JUDGE