

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

CRM-M-7227-2015

Date of decision : 11.03.2015

Balkar Singh

.....Petitioner(s)

versus

The State of Punjab & another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present : Mr. R.S. Bajaj, Advocate
for the petitioner.

ANITA CHAUDHRY, J(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of order dated 22.01.2015, passed by SDJM, Dasuya, vide which the application filed by the prosecution under Section 311 Cr.P.C. for producing additional evidence was allowed. The accused is aggrieved and has approached this Court.

The counsel for the petitioner submits that a writ petition was filed by the petitioner in the High Court which was disposed of on 10.11.2008 and directions were given to the petitioner to appear before the Executive Officer, Tanda and produce the relevant record and the Executive Officer was directed to hear the petitioner. The Executive Officer found that

the objector i.e. respondent no.2 had not placed any document to show his ownership nor had filed any suit in the civil Court. It was urged that the police had registered an FIR against the petitioner on the allegations that a false affidavit had been given by the petitioner and he was not the owner and was only in possession. It was urged that the prosecution had moved an application to produce the copy of the writ petition and some more documents which has been allowed. It was urged that these documents were not part of the report under Section 173 Cr.P.C. nor had been relied by the State and if a document has not been supplied to the accused, it cannot be subsequently placed on record during trial and the order has resulted in failure of justice.

The counsel for the petitioner further contends that the prosecution had failed to justify as to why the document was required and it has resulted in manifest failure of justice.

Perusal of Annexure P-5 shows that an application had been filed under Section 311 Cr.P.C. at the evidence stage. The prosecution wanted to place on record the copy of the writ petition filed by the petitioner along with copy of the allotment letter and the Jamabandi. After obtaining the reply and hearing the parties, the application was allowed by the trial Court. The allegations against the petitioner were that he had prepared a false affidavit and had produced the same before the Municipal Committee, Tanda and on the basis of affidavit, filed by him, a site plan was sanctioned but he was not the owner. The

prosecution wanted to rely upon certain facts introduced in the writ petition filed by the petitioner. These are the documents which the petitioner himself had submitted before the High Court. The petitioner has not been taken by surprise. The prosecution feels that the documents are necessary for arriving at a proper decision which the Court has allowed. I see no infirmity in the order.

Dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

11.03.2015
Sunil