

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-10442 of 2016(O&M)
Date of Decision: May 04, 2016

Amandeep Singh alias Cheema

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ishan Gupta, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing of the impugned order dated 28.10.2014 passed by learned Judge, Special Court, Hoshiarpur in case FIR No.49 dated 02.06.2012 registered under Section 21 of the NDPS Act at Police Station Garhshankar, vide which the application filed by the petitioner under Section 294 Cr.P.C. was dismissed and order dated 30.07.2015 vide which application filed by the petitioner under Section 311 read with Section 311-A Cr.P.C. was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that earlier an application was filed by the petitioner for admissions and denial of signatures on

documents mentioned in the list for its comparison with that of signatures of Inspector Angrej Singh existing in Punjabi Ex.PB to Ex.PH, Ex.PH/1 to Ex.PH/6, Ex.PH/8, Ex.PH/9 and some other memos and further admission and denial of Identity cards.

Learned Judge, Special Court, Hoshiarpur, vide order dated 28.10.2014, discussed Section 294 Cr.P.C. and held that the witnesses have been examined by the defence and still defence is leading their evidence in order to rebut the version of the prosecution. In the reply, specific admissions qua his signatures have been given by Inspector Angrej Singh and he had given a detailed reply and has complied with the provisions of Section 294 Cr.P.C. It is further held that since his signatures have been admitted by Inspector Angrej Singh, there is no requirement to send the same for comparison. The effect of the evidence of the prosecution and defence, has to be seen at the time of decision of the case but at this stage, there is no ground to send the signatures of Inspector Angrej Singh for comparison.

The other order dated 30.07.2015 passed by learned Addl. Sessions Judge, Hoshiarpur, was passed on the application under Section 311-A Cr.P.C. filed by the learned defence counsel. It is stated in the application that according to prosecution case, on the intervening in between 01.06.2012, Inspector Angrej Singh remained in the jurisdiction of Police Station Garhshankar, whereas the call details produced by SP Jain, Nodal Officer, Bharti Airtel show that he had never gone in the area of Garhshankar at the time of alleged

recovery. Inspector Angrej Singh investigated the connected case arising out of FIR No.60 dated 01.06.2012, Police Station Kartarpur and signed various documents and in the said case, record of Hotel Krishan Delux was summoned and as per the statement of employee of said hotel made before the Special Court, Jalandhar, Inspector Angrej Singh along with Ravinder Singh C-II Harjinder Singh submitted their ID proof at the time of staying in the hotel from 02.06.2012 to 05.06.2012, which shows that Inspector Angrej Singh had never gone in jurisdiction of Police Station Garhshankar and he made a false statement. It was prayed that direction be given to Inspector Angrej Singh to give his handwriting as well as signatures in Punjabi for its comparison from CFSL Hyderabad with that of the signatures existing in Punjabi in this case, on various memos as well as all other such documents/memos of case FIR No.60.

I have also gone through the order dated 30.07.2015.

Learned Court below, after discussing the provisions of Section 311-A Cr.P.C. held that as per the provisions, no order shall be made under this Section unless the person has at some time been arrested in connection with such investigation or proceedings and the Court held that Inspector Angrej Singh has not remained in custody at any stage. Rather, he is a witness in the present case and the provisions of Section 311-A Cr.P.C. are not applicable to the present case.

After going through the record, I find that petitioner insists that signatures on the documents/memos are not of Inspector Angrej

Singh as he was away in some hotel and he (petitioner) has also produced the employee of the hotel and also a person from the Telecom company. Inspector Angrej Singh already appeared as witness and has admitted his signatures. In the reply also, as discussed in these impugned orders, Inspector Angrej Singh admitted his signatures. Both the impugned orders passed by learned Court below are as per law. In no way, it can be held that these orders are illegal or perverse or in no way, amount to miscarriage of justice. When the witness has come and admitted his signatures, at the most, the accused could have examined private Handwriting and Fingerprint Expert for getting compared the signatures on memos with some other admitted documents etc.

Furthermore, the petitioner can get the signatures on the documents compared with the other documents, regarding his service record etc. by filing application for examining the expert etc. and if any, such application is filed, the trial Court will decide the same as per law.

As regarding the impugned orders, I find that these are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

May 04, 2016
Vgulati

(INDERJIT SINGH)
JUDGE