

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-1702 of 2016(O&M)
Date of Decision: January 18, 2016

Pardeep and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ashok Kumar Sehrawat, Advocate
 for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of order dated 17.10.2015 passed by learned Judicial Magistrate Ist Class, Rohtak.

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

From the record, I find that an application has been filed under Sections 311 and 311(A) Cr.P.C. by the counsel for the complainant through learned APP for the State. It is stated in the application that after lodging of FIR, the Investigating Officer at that time had taken some documents from the Controller of Examination pertaining to the PMT Entrance Exam i.e. photocopy of admission form of Pardeep Duhan, video CD of all the 28 Centres recorded in CDs, photocopy of signature chart of the students. On 29.06.2009,

the Investigating Officer had taken original answer sheet, original admit card and photocopy of sitting plan and further on 04.08.2009, the list with names thereof deputed at Centre No.124, Library Hall, PGIMS, Rohtak was taken. It is further stated that Sh.Ranbir Singh Dahiya was the Controller of Examination of PMT Entrance Exam held on 14.06.2009. All the documents were under his control and were issued under his instructions to all the Centres. The Investigating Officer while submitting the challan, had filed certain documents with computerized copies, whereas the original documents remained with the office of Controller of Examination. It is also stated in the application that the prosecution wants to submit following documents:-

- (i) Original application form submitted by Pardeep Duhan and received in the office at Sr.No.3647 on 01.06.2009.
- (ii) Original Attendance Sheet of Centre No.124 Paper 1 page 4 signed by Centre Superintendent (Sh.Sanjay Gupta) and Invigilator (Smt.Krishna Gupta).
- (iii) Original UMC from signed by Dr.R.B.Singh, Member of Flying Squad & Dr.Harpreet Singh, Observer Centre No.124 bearing signature of Smt.Krishna Gupta, Invigilator and Sh.Sanjay Gupta, Centre Superintendent.
- (iv) Original letter dated 14.06.2009 sent by Dr.R.B.Singh, Member of Flying Squad & Dr.Harpreet Singh, Observer & Centre Superintendent to the Controller of Exam. UHS Rohtak (Dr.R.S.Dahiya) who lodged FIR.
- (v) Original Question booklet Sr.No.10676 of Roll no.400521 signed by Pardeep Duhan candidate and Smt.Krishan Gupta, Invigilator (Centre No.124).
- (vi) Original recovery memos (4) dated 20.06.2009, 29.06.2009 (2) 04.08.2009 of the delivery of aforesaid documents connected with the case.

- (vii) Record of Minakshi Studio who had prepared the respective CDs along with the witnesses to depose the same.

It is further stated in the application that production of aforesaid records and the recording of statement of respective witness is most essential to meet the ends of justice in this case. The case is at initial stage and evidence is being led. It is also stated in the application that the signatures of Pardeep Duhan on the application form can be got compared from the experts by taking his fresh signature in the Court.

The Court after taking the reply of the accused, allowed this application by holding that the allegation against the accused is that they cheated the University by way of impersonation by representing or substituting Devi Parshad in place of Pardeep in Entrance Exam PMT 2009. Learned Magistrate held in the impugned order that the documents sought to be summoned by way of application are essential and material piece of evidence for proper adjudication of the present case. The Court also held that the court has wide powers under Section 311 Cr.P.C. to summon any witness or evidence if it advances the cause of justice. The accused will also get right to cross-examine Sh.Ranbir Singh Dahiya, with regard to these documents, in order to impeach the credibility of the witness and documents in question.

It is further held that under Section 311(A) Cr.P.C. the Magistrate has power to order a person to give specimen signature of handwriting including the accused and the accused was directed to

give his specimen signature in the court in order to get the same compared from FSL with the signatures of Pardeep Duhan on the application form for taking the examination. The Court permitted the prosecution to summon the original documents as mentioned in the application and to prove the same by calling Sh.Ranbir Singh Dahiya, Controller of Examination, Sh.Sanjay Gupta, Centre Superintendent.

The perusal of the impugned order dated 17.10.2015 shows that this order has been passed as per law. In no way, it can be held that the application has been filed to fill up the lacuna. The evidence, which the prosecution wants to prove is material evidence, which is necessary for just and proper decision of the case. No illegality has been committed by the Court nor passing of the impugned order, in any way, amounts to abuse or misuse of process of the law.

In view of the above discussion, I do not find any ground to quash the impugned order dated 17.10.2015. Therefore, finding no merit in the present petition, the same is dismissed.

January 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE