

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

CRM No.M-17318 of 2016 (O&M)

Date of Decision: May 24, 2016

Vijay Munjal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jagjit Gill, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Gulshan Kumar for setting aside the impugned order dated 03.10.2015 passed by learned Sub Divisional Judicial Magistrate, Dabwali, whereby the application under Section 311-A Cr.P.C. filed by the complainant-respondent No.2 was allowed and also the impugned judgment dated 29.04.2016 passed by learned Addl. Sessions Judge, Sirsa, vide which the revision filed by the petitioner against the above-said order was dismissed.

At the time of arguments, learned counsel for the petitioner mainly argued only on two points, firstly that the present petitioner has not been arrested by the police in this case, therefore, Section 311-A Cr.P.C. will not apply and secondly, the accused-petitioner cannot be compelled to give the specimen writing.

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

At the time of arguments, it is admitted by learned counsel for the petitioner that petitioner has surrendered before the Court in the criminal proceedings and the Court released him on bail. Proviso to Section 311-A Cr.P.C. states as under:-

“Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.”

Surrendering before the Illaqa Magistrate in a non-bailable offence and then releasing on bail by the Court, amounts to be arrested in connection with proceedings. Therefore, this argument of learned counsel for the petitioner that petitioner was not arrested, has no merit.

In support of his second argument that specimen signature or handwriting cannot be taken from the accused, learned counsel for the petitioner has not shown any law. It is specifically provided under Section 311-A Cr.P.C. as under:-

“If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or handwriting”

Therefore, the second argument of learned counsel for the petitioner has also no merit that the accused cannot be compelled to give specimen signature or handwriting.

In view of the above discussion, I find that the impugned order

and judgment passed by the Courts below 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 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE