

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

CRM M-17579 of 2015

Date of decision : 22.04.2016

Gurjeet Singh

....Petitioner

V/s

Harpinder Singh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Kaura, Advocate for the petitioner.

Mr. N.S. Shekhawat, Advocate for the respondent.

RAJAN GUPTA J.

Challenge in the instant revision petition is to order dated 28.11.2014 (Annexure P-3) whereby on the application of complainant under section 311 Cr.P.C. trial court allowed two witnesses to be summoned. Out of them one has already been deposed. Other witness is Clerk/Manager of firm M/s Billa Singh Narain Singh, Commission Agents, New Anaj Mandi, Tohana. He is to depose before the court and produce J-forms, account books and balance-sheet of the Firm. According to counsel for the petitioner such a direction would amount to self incrimination with regard to witness no. 1. Besides, necessary documents have already been produced by the official of the Excise and Taxation Department.

Prayer has been opposed by counsel representing the respondent. According to him, such a direction would not amount to self incrimination. He has placed reliance on judgment of the Supreme court reported as *State of Bombay vs. Kathi Kalu Oghad* 1961 AIR (SC) 1808.

Heard.

Keeping in view facts and circumstances of the case, I am of the considered view that matter needs to be remitted to same court with regard to examination of the witness who is Clerk/Manager of the Firm. The issue regarding self incrimination has not been clearly dealt with by the court below. Impugned order is, thus, set-aside. Matter is remitted to same court for decision afresh. Parties would be at liberty to cite judgments they place reliance upon. Trial court shall endeavor to expedite the matter.

Disposed of.

April 22, 2016

Ajay

(RAJAN GUPTA)
JUDGE