

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 25241 of 2013 (O&M)

Date of decision: 16.02.2016

Ms.Shuchi Batra and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Saurav Verma, Advocate for the petitioners
Mr.A.S.Kler, DAG Punjab
Mr.H.S.Saini, Advocate for respondent Nos.2, 3, 5 & 6

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned State counsel has filed reply along with the letter from Forensic Science Laboratory in Court. The same is taken on record. It shows that the documents are required to be examined with the help of some sophisticated equipment which is available in Forensic Science Laboratory only. Therefore, the documents are required to be produced in the Forensic Science Laboratory in a sealed cover.

I have heard learned counsel for the parties and have also carefully gone through the file.

An application was filed before the learned Sub Divisional Judicial Magistrate, Derabassi for sending the documents in a sealed

cover to the Forensic Science Laboratory. That application was dismissed vide order dated 10.6.2013, by passing the following order:-

“File taken up on the application so moved on behalf of the complainant. No ground is made out to allow the prayer made in the application. There is no provision under the law of Cr.P.C. to send this file for 15 days to Forensic Laboratory for the purpose of examination of document in question, so the application that application is declined and is dismissed. File be again put on 10.7.2013, the date already fixed.”

The agreement to sell dated 13.6.2007 is required for the purpose of examination by Forensic Science Laboratory, Mohali so as to submit the report whether the signatures on the same are genuine or forged.

Now the situation has arisen about the authenticity of the document and it comes out that the lower Court has refused to send the document to FSL. Until and unless the said agreement is examined, no effective report can be submitted regarding the genuineness or forgery of the signatures.

In these circumstances, the impugned order is set aside. The lower Court or the appellate Court, where the case is pending, is directed to send the agreement dated 13.7.2016 to the Forensic Science Laboratory, Mohali in a sealed cover by deputing Ahlmad in this regard and collect back the same on a date to be given by the Forensic Science Laboratory, Mohali by which time the examination of

the document will be over. Lower Court is directed that before sending the document, a colour photostat copy of the same shall be kept on the Court file and colour photostat copy thereof shall be supplied to the prosecution and complainant to ensure that in case something wrong happens, the Court is able to proceed with the case. Thereafter, let the police conduct the further investigation and submit the final report to the Court.

The petition is accordingly allowed.

16.02.2016*gk***(Kuldip Singh)
Judge**