

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-238 of 2016 (O&M)
Date of Decision: March 02, 2016

Hardip Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.G.S.Bal, Senior Advocate with
Mr.A.D.S.Bal, Advocate
for the petitioner.

Mr.Vipin Mahajan, Advocate
for respondent No.5.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
for quashing of order dated 17.12.2015 passed by learned Judicial
Magistrate Ist Class, Batala in case FIR No.258 dated 16.08.2005
under Sections 420, 467, 468 and 471 IPC registered at Police
Station City Batala, vide which the application under Section 311
Cr.P.C. for recalling the witness PW-6 Ahlmad of the Court of Collector
Gurdaspur and tendering the documents i.e. Jamabandi for the years

1997-98 and 2002-03 and certified copy of the order dated 12.12.2008.

Notice of motion was issued and learned State counsel as well as learned counsel for private respondents appeared.

At the time of arguments, learned counsel for private respondents made statement that they have no objection if the jamabandis for the year 1997-98 and 2002-03 and certified copy order dated 12.12.2008 and Annexure P-14 order dated 27.01.2014 passed by Commissioner, Jalandhar Division, Jalandhar, are tendered into evidence, as these are per se admissible documents.

Learned counsel for the petitioner also restricted his prayer to produce these above-stated documents.

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

As the copies of jamabandies, certified copies of order dated 12.12.2008 and order dated 27.01.2014 are per se admissible document, therefore, there is no need to summon PW-6 for this purpose. These documents being per se admissible can be tender into evidence by the petitioner. Otherwise also, the documents are necessary for just decision of the case. The application under Section 311 Cr.P.C., at any stage can be filed and can be allowed when the evidence is material and necessary for just decision of the case.

In view of the statements made by learned counsel for the parties and no objection by learned counsel for the respondents, the present petition is allowed to the extent that petitioner is allowed to

tender the above-stated documents before the trial Court and there is no need to recall/summon PW-6 for this purpose.

March 02, 2016
Vgulati

(INDERJIT SINGH)
JUDGE