

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.120

CRM-M No.40661 of 2016

Date of decision: 17.11.2016

Jaspal Singh alias Jass

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. D.S. Malwai, Advocate
for the petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition seeks quashing of order dated 18.10.2016
(Annexure P-1) passed by the Additional Sessions Judge, Sangrur.

On the complaint of one Gurbinder Singh, a case was registered against the petitioner and his father under several provisions of the Indian Penal Code including under Section 307. A cross-case was got registered at the instance of the petitioner against Gurbinder Singh and both the cases are being tried by the Additional Sessions Judge, Sangrur.

In the meanwhile, both the parties had also filed civil suits against each other claiming damages on account of injuries suffered by them. Both the suits have been decided. The suit titled 'Gurbinder Singh versus Jaspal Singh and another' was decreed in favour of Gurbinder Singh whereas the other suit filed by the petitioner titled as 'Jaspal Singh and another versus Gurbinder Singh and another' was dismissed.

Applications were filed by Gurbinder Singh and others in the pending criminal trial, through which the judgments and decree passed by the Civil Court are sought to be placed on the record of the criminal trial.

Judge, Sangrur has permitted the same to be placed on the record by holding as under:-

“After giving thoughtful consideration to the rival contentions, this Court is of the considered view that, no doubt, the judgment and decree of the civil Court has no bearing on the criminal case as the standard of proof required in both the proceedings are different. However, at the same time it is not disputed between the parties that in both the civil suits preferred by both the rival parties i.e. complainant and accused of this case have levelled allegations which are akin to the facts of the criminal trial of this case. Therefore, this Court finds merits in the contention of the applicant that even if the judgment and decree of the Civil Court is not binding yet the same is still relevant for the adjudication of the controversy. Even otherwise the Court can always take judicial notice of the judgment passed by the Civil Court, if the same is relevant for the effective adjudication of the controversy. The judgment referred to by the learned defence counsel Sh. Rahul Gupta, Advocate is based upon distinguished facts, although there is no dispute about of the ratio of that case, so it is not attracted here. Resultantly, the instant application is allowed and disposed off accordingly.”

The above order has been challenged through the present petition.

I have heard learned counsel for the petitioner and with his able assistance have gone through the record of the case.

A perusal of the afore-quoted order impugned in the present petition shows that through the same all that has been done by the trial Judge is that the judgments and decree passed by the Civil Court in matters

placed on the record. It has specifically been observed that these judgments and decree have no bearing on the criminal case as the standard of proof required in both the proceedings are different and that they would not be binding on the Court while taking a final decision in the criminal matter. They would only to be considered since they are relevant.

Merely, placing of judgments and decree of a Civil Court on the record of a criminal case would not be prejudicial to the rights of either of the parties especially when in the order itself the Court has recorded a finding that these judgments and decree would not be binding on it. No final view has been expressed by the Court hearing the criminal matter. At the most, at the time of final arguments, the findings in the judgments and decree by the Civil Court would be referred to and it would always be open to the petitioner to make submissions at that time as to why those findings be disregarded by the trial Court.

In view of the above, finding no merit in the present petition, the same is ordered to be dismissed.

(DEEPAK SIBAL)
JUDGE

November 17, 2016
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No