

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46176 of 2017

Date of decision:5.12.2017

Bhanwarpal Singh alias Bhanwarjot Singh and another
...Petitioners

v.

State of Punjab and another
...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Sidhu, Advocate for the petitioners.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of the impugned order dated 27.10.2017 passed by learned Sessions Judge, Sri Muktsar Sahib whereby the application filed by respondent No.2 through Public Prosecutor under Section 311 Cr.P.C. to allow the applicant/complainant to produce the certified copy of the complaint and order dated 27.9.2016 passed by learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib in complaint titled as “Navdeep Singh Vs. Santokh Singh” in the shape of additional evidence has been allowed in case FIR No.101 dated 30.8.2015 for the offences under Sections 302, 307 and 34 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Sadar, Sri Muktsar Sahib.

I have heard learned counsel for the petitioners and have gone

through the record.

From the record, I find that an application under Section 311 Cr.P.C. was filed by the Public Prosecutor during the trial before the trial Court that they want to produce certified copy of the complaint and order dated 27.9.2016 passed by the learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib in a complaint titled as “Navdeep Singh alias Neepa Vs. Santokh Singh and another” filed by one of the accused, namely, Navdeep Singh alias Neepa for the offences under Sections 307, 341, 506, 380 and 34 IPC and Section 25 of the Arms Act by stating that the said documents are very relevant for the just decision of the case, but they have failed to produce the same earlier. The learned Sessions Judge vide order dated 27.10.2017 allowed this application for tendering these documents/proving these documents by way of additional evidence.

At the time of arguments, learned counsel for the petitioners has not argued that the documents, which the prosecution wants to produce, are not relevant. It is in the application of the prosecution that these documents are relevant. Learned counsel for the petitioners only argued regarding the evidentiary value of the documents. It is in the order of the learned Sessions Judge that the evidentiary value can be seen later on. Otherwise also, at this stage, the Court has allowed the application under Section 311 Cr.P.C. The application under Section 311 Cr.P.C. can be allowed at any stage during trial. The prosecution wants to produce the order of the learned Additional Chief Judicial Magistrate and the copy of the complaint, the evidentiary value is to be seen at the time of final disposal of

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the case. At that time the Court will also look into whether the documents have been proved as per law or not or whether these documents are to be relied upon or not. No prejudice will be caused to the present petitioners.

The impugned order passed by the learned Sessions Judge is correct as per evidence and law. No illegality has been committed while accepting the application. No ground is made out for quashing the order dated 27.10.2017.

Therefore, finding no merit in this petition, the same is dismissed.

December 5, 2017.

**(Inderjit Singh)
Judge**

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No