

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr. No.240)

CRR-467-2014 (O&M)
Date of Decision:-March 24, 2017

Krishan Lal

.....Petitioner

V/S

Central Bureau of Investigation

.....Respondent

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present : Mr. S.K. Garg, Narwana, Sr. Advocate within
Ms. Shweta Nahata, Advocate and
Mr. Vishal Garg, Narwana, Advocate,
for the petitioner.
Mr. Sumeet Goel, Retainer Counsel for CBI.

A.B. Chaudhari, J. (Oral)

Rule. Heard forthwith, with the consent of the rival parties.

During the course of trial, this Court had made an order asking the trial Judge to dwell upon the objection regarding admissibility of polygraph test. Pursuant thereto the trial Court had made an order, which is impugned in the present petition. It is noteworthy that the trial was not stayed and as such continued to be held. The trial has not yet been completed.

The learned counsel for the petitioner submits that the trial Court recorded reasons and observations for making the impugned order, and they may come in the way of the petitioner during the course of final arguments.

The learned counsel for the respondent-CBI has pointed out to me the following portion from the impugned order, which read thus.

“ Therefore, at this stage if the conclusion of Asha

Srivastava is taken to be correct at its fact value, the polygraph test conducted upon SI Ram Chander appears to be voluntarily and thus, at this stage, it may be considered to be admissible in evidence. However, the picture will be clear regarding admissibility of the test when Ms. Asha Srivastava is examined as a witness. Therefore, the rest of the question whether it is admissible or not is to be kept open.”

Learned counsel for respondent-CBI submitted that as it is the trial Court itself has made the arrangement that the question was kept open.

In my opinion, reading of the entire order and the reasons furnished in the order, shows likelihood of the trial Court getting influenced while deciding the case. In that view of the matter, by way of abundant precaution, it is clarified that the reasons and observations made in the impugned order shall not influence the trial Court at the time of final argument. The issue involved is kept open on the question of admissibility of evidence.

Disposed of.

(A.B. Chaudhari)
Judge

March 24, 2017

Pankaj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No