

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7594-2017 (O&M)

Date of decision : 14.2.2018

Pargat Singh

..... Petitioner

Versus

Balwant Kaur and ors

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karamveer Singh, Advocate for
Mr. K.R. Dhawan, Advocate for the petitioner.

Mr. Talwinder Singh, Advocate
for respondents No. 1 and 2

Mr. M.S. Dhillon, DAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 11.10.2017 (Annexure P-7), passed by learned Civil Judge, Junior Division, Moga, vide which during the pendency of the civil suit, a Will dated 15.6.2012 was allowed to be handed over to the SHO, Police Station Sadar, Moga, District Moga for the purpose of investigation in an FIR No. 50 dated 14.6.2016 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code for the purpose of comparison for the period of two weeks after attaining the certified copy of the same on file. The SHO was directed to return the original Will after the said period.

It comes out that a civil suit is pending between the parties for declaration in which Will dated 15.6.2017 has been produced by the defendants. Regarding the same Will FIR No. 50 dated 14.2.2016 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, was registered at Police Station Sadar, Moga against defendants and others. The Will was duly exhibited. During the pendency of the suit, the SHO-respondent No. 3-A, filed an application for getting the original Will for the purpose of investigation in the said FIR.

I am of the view that for the purpose of investigation, the Civil Court was justified in handing over the original Will to the police for limited period for the purpose of comparison with the condition that a certified copy be retained on file and the Will be returned to the Court after a particular period. Mere fact that the Will is an exhibited document is no ground to decline the request of the police to handover the document for a limited period for the purpose of investigation. Learned trial Court has already taken sufficient safeguard to ensure that Will is not tampered with while in custody of the police.

It being so, there is no illegality or infirmity in the impugned order dated 11.10.2017, (Annexure P-7) passed by learned Civil Judge, Junior Division, Moga.

The trial Court is directed to hand over the Will dated 15.6.2017 in terms of its order dated 11.10.2017 (Annexure P-7) to SHO, Police Station Sadar, Moga for a period of four weeks so that the police get a free hand to get it compared with the other documents. Thereafter, the

Will be returned to the court and police will be allowed to get photostat certified copy of the same to be attached with the final report of the police filed under Section 173 of the Cr. PC and then summon the original Will from the file during the evidence to be led in criminal case.

With the above modification, impugned order dated 11.10.2017 (Annexure P-7), passed by learned Civil Judge, Junior Division, Moga is upheld and revision is dismissed accordingly.

(KULDIP SINGH)
JUDGE

14.2.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No