

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41734 of 2018

.....

Date of decision:07.02.2019

Jaswant Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Vinay Kumar Gupta, Advocate for the petitioner.

Mr. Dhruv Dayal, Deputy Advocate General, Punjab for the
respondent No.1-State.

Mr. Arshdeep Singh Brar, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of the impugned order dated 24.8.2018 (Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, in Criminal Case No.27 of 2013 in FIR No.38 dated 16.7.2011 registered for the offences under Sections 419, 420, 465, 467, 468, 471, 474 and 120-B IPC at Police Station Badhni Kalan, District Moga, whereby the application moved by the State under Section 311 Cr.P.C. for taking photographs by Handwriting and Fingerprint Expert Sh. Anil Gupta so as to give a report and statement about standard and disputed signatures of the accused/ respondent No.2 on forged and fabricated agreement in dispute dated 8.10.2000 or otherwise send the same to CFSL for said purposes, has been dismissed.

Notice of motion was issued in this case.

Mr. Dhruv Dayal, learned Deputy Advocate General, Punjab

has appeared on behalf of the respondent-State and Mr. Arshdeep Singh Brar, learned Advocate has appeared for respondent No.2 and contested this petition.

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

From the record, I find that an application under Section 311 Cr.P.C. was filed by the prosecution for inspecting the file and for taking the photographs by Handwriting and Fingerprints Expert. It has been averred in the application that during the course of investigation of the present case accused Harbir Singh had produced forged and fabricated agreement in dispute dated 8.10.2000 before Investigating Officer and alleged that it was executed between the complainant and accused Harbir Singh. In the said forged agreement, accused Harbir Singh has appended his signatures in English script and he himself affixed forged signatures of the complainant on it and the said fact is proved from the report of CFSL, but due to bona fide mistake of Investigating Officer on recovery memo, it was mentioned that signatures of accused Harbir Singh are in Punjabi language instead of English language. Now the accused wants to take the benefit of the said fact that such forged agreement has not been produced by him before the Investigating Officer and has alleged that he produced such agreement which was signed in Punjabi script and has not been produced any forged or fabricated agreement during the course of proceedings.

The learned counsel for the accused has contested this application and the learned Sub Divisional Judicial Magistrate, Nihal Singh

Wala, vide order dated 24.8.2018 dismissed the application.

[3]

A perusal of the record shows that the signatures on the agreement has already been sent to CFSL and the report has been received qua that these signatures were of the accused. If the Investigating Officer inadvertently, as per prosecution version, states in the recovery memo that the agreement bears the signatures in Punjabi script that is to be appreciated by the learned trial Court in view of the evidence produced by the parties before it. But no useful purpose will be served by examining the same document again from Handwriting and Fingerprints Expert. The prosecution is to prove the fact that the Investigating Officer is wrongly stating these facts or inadvertently it has been mentioned in the recovery memo that the signatures are in Punjabi script.

Therefore, in view of the facts and circumstances of the present case, I do not find any merit in the application for again examining the documents from the Handwriting and Fingerprints Expert. The impugned order passed by the learned trial Court, in no way, can be held as illegal and the same is upheld.

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

February 07, 2019.

(Inderjit Singh)
Judge

hsp

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