

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Criminal Misc. No.M-39402 of 2019 (O&M)
Date of Decision: September 16, 2019**

Baldev Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Learned counsel for the petitioner confines his submission only for production of document placed on file as Annexure P-3 in additional evidence before the trial Court.

The petitioner moved application Annexure P-1 seeking permission to produce 24 documents by way of additional evidence. The application was declined vide order dated 08.08.2019.

Learned counsel for the petitioner argues that order dated 20.05.2010 (Annexure P-3) passed on the application under Order 39 Rule 1 and 2 CPC is a relevant piece of evidence to prove the motive for the occurrence and the murder of three persons by the accused, who are facing trial before the trial Court. Learned trial Court without looking into the relevance of this document, dismissed the application only on the ground

that the same has been filed at belated stage.

FIR No.209 was registered on 21.09.2007 at Police Station Civil Lines, Patiala for the offences punishable under Sections 148, 302, 307, 323,324, 201 read with Section 149 of Indian Penal Code and 25/27 of Arms Act.

Learned counsel for the petitioner submits that respondents No.2 and 3 were proclaimed offenders and the trial concluded against the remaining accused resulting in their conviction. Appeal against their conviction is pending before this Court. Respondents No.2 and 3 were arrested later on and supplementary challan against them were presented.

The sole question, which arises for consideration at this stage, is as to whether order dated 20.05.2010 is a relevant piece of evidence to prove motive for occurrence so as to allow the application of the petitioner under Section 311 Cr.P.C. to this extent. This order was passed in the civil suit filed on 12.06.2008 i.e. after the occurrence and the registration of FIR on 21.09.2007, as such, cannot be a piece of document to exhibit motive of the occurrence. Learned trial Court has taken note of the present FIR No.209 dated 21.09.2007 while passing this order and disposing of the application under Order 39 Rules 1 and 2 filed by the plaintiffs i.e. Sharomani Panth Akali Budha Dal and others. It has been submitted that appeal was also filed against this order, in which this order has been upheld. A litigation, which ensued after the registration of FIR in this case, cannot be termed as motive for the occurrence, as such, submission of learned counsel for the petitioner that this document is sought to be produced to prove the motive for accused party to commit offence as mentioned in FIR

No.209/2007 has no basis. Consequently, I find no reason to arrive at a conclusion that production of this document is material or essential for the just decision of the case.

This petition has no merits. Dismissed.

However, nothing observed in this order shall be deemed as expression of opinion on the merits of the case.

September 16, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***