

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-5817-2018 (O&M)

Date of decision: 14.01.2020

Kuldeep Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Arun Abrol, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Barjinder Singh, Advocate for
Mr. Rakesh Gupta, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this revision, complainant-Kuldeep Singh, has laid challenge to order dated 04.09.2018 (Annexure P-1) of trial Court, whereby his application under Section 311 Cr.P.C. for examining Dr. Inderjit Singh, Finger Prints & Handwriting Expert and Stamp Vendor, District Courts, Patiala, in additional evidence, was rejected.

Briefly, respondents No. 2 and 3 are facing trial in case FIR No. 70 dated 17.07.2014 registered under Sections 406, 420 and 201 IPC, Police Station Bakshiwalla, Patiala, on the allegations that they by alluring Harpreet Singh-nephew of complainant to get him appointed in Punjab Police, cheated him for ₹2,50,000/-.

Learned counsel for the petitioner *inter alia* contends that during the pendency of trial, petitioner-complainant moved an

application under Section 311 Cr.P.C., for additional evidence as respondents No. 2 and 3-accused in their statements denied their signatures on certain affidavits and purchase of stamp papers to ensure/guarantee the re-payment. Therefore, necessity arose to examine handwriting and finger print expert and stamp vendor from whom respondents No. 2 and 3 had purchased stamp papers, to prove case of the prosecution to the hilt.

On the other hand, learned counsel for respondents No. 2, vehemently refuting the submissions of learned counsel for the petitioner pleaded the legality and validity of impugned order, urging that trial is at the fag end. Permitting the petitioner to examine handwriting & finger print expert and stamp vendor, would *de novo* the trial. The trial Court has rightly observed that petitioner cannot be permitted to fill up lacuna in the prosecution story.

Having given thoughtful consideration to the rival submissions, this Court finds that instant revision merits acceptance for the reasons to follow:

Respondents No. 2 and 3 in their reply to the application under Section 311 Cr.P.C. moved by petitioner-complainant, specifically denied their signatures on the affidavits and purchase of stamp papers by them, ensuring repayment of ₹2,50,000/- to the complainant, in case, they would fail to fulfill their promise of getting appointed Harpreet Singh, nephew of complainant in Punjab Police. Proving the above fact, is very much necessary for just and effective adjudication of the case.

Thus, in view of the above, impugned order dated

04.19.2018 (Annexure P-1) is set aside. Trial Court is directed to permit petitioner-complainant to prove the alleged affidavits and other relevant documents by examining handwriting & fingerprint expert, stamp vendor and any other relevant witness.

Disposed of.

January 14, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No