

Bharpur Bharti

---Petitioner

versus

State of Punjab and others

---Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Parminder Singh, Advocate
for the petitioner

Mr. Karanbir Singh, AAG, Punjab

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of directions to respondent No. 3 to present the challan with the original documents supplied by the petitioner to the respondent No. 3 and place the same on record enabling the petitioner to contest his case aptly and further directing the trial Court to procure the presence of co-accused namely Hardeep Singh (Respondent No. 4), who has been absconding himself from Court Proceedings.

Upon respondent-State counsel having been directed to complete instructions and apprise this Court about the same, a status report by way of an affidavit of Sukhjit Singh Virk, Deputy Superintendent of Police (City-II), District SAS Nagar, has been filed. It has been averred in the aforesaid status report that the documents in question had been handed over to ASI Om Parkash. However, the same were misplaced by him and as a result thereof, a departmental enquiry was conducted against him. It is further contended that the certified copies of the documents purportedly

misplaced have been filed in the court along with the challan.

Even though it is expected of the investigating agency to ensure that the original documents taken in possession vide separate seizure/ recovery memos are kept intact so that a party is granted complete opportunity to put forth its case, however, it so seems that the requisite caution and precaution was not adopted by the Investigating Agency in the present case.

Be that as it may, once the certified copies of the original documents have been furnished, the prayer claimed in the instant petition cannot be granted. Once the original documents have been misplaced, the same cannot be created. It would, however, be open to the petitioner to move an appropriate application for leading secondary evidence and to prove his case.

In view of the above, the present petition is disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

05.07.2022

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No