

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-5010-2022 and
CRM-5012-2022 in/and
CRM-M-25012-2016
Date of decision: 07.03.2022**

SURENDER

.....Petitioner

Versus

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sajjan Singh, Advocate
for the applicant/petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for respondent No.1-State.

Mr. Munish Kumar Garg, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-5010-2022

For the reasons mentioned in the application, the same is allowed. The applicant/petitioner is exempted from filing certified copy of Annexure A-1 dated 02.08.2019, copy of which is taken on record subject to all just exceptions.

CRM-5012-2022

Prayer in the instant application is for listing the main case on an actual date.

Learned State counsel and learned counsel for respondent No.2 have no objection if the application is allowed.

In view of the reasons mentioned in the application and no objection from counsel opposite, the same is allowed and the main case is taken up for hearing today itself.

CRM-M-25012-2016

The petitioner is seeking quashing/modification of the order dated 29.01.2016 and order dated 12.05.2016 passed by learned Additional Sessions Judge, Jind vide which it declined the prayer of the petitioner to send the voice samples of the prosecutrix for comparison with CD Mark-A and the Micro SD Card Mark-B from a Government laboratory i.e. Forensic Science Laboratory (for short, 'FSL'), Madhuban or Central Forensic Science Laboratory, Chandigarh in case FIR No.264 dated 28.08.2014 under Sections 376, 452 and 506 IPC registered at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner submits that the trial Court, though, permitted the petitioner to take the voice sample of the prosecutrix for comparison with CD Mark-A and the Micro SD Card Mark-B, however, it denied him permission to get the same compared from a Government laboratory. Learned counsel submits that the Court below failed to appreciate that only the Government laboratories were equipped with special instruments required for comparison of the voice samples and it would thus not be possible for him to get them compared from a private laboratory. He further submits that the petitioner is even ready to bear the expenses which would be incurred in the said regard.

Learned State counsel and learned counsel for respondent No.2 do not oppose the prayer of the petitioner for sending the voice samples of the prosecutrix to a Government laboratory subject to the petitioner bearing the necessary expenses.

Heard learned counsel and perused the material placed on

record.

In view of the facts and circumstances of the case, the instant petition is disposed of with directions to the trial Court to send the voice samples of the prosecutrix, after collecting them, in the presence of an official from the FSL, Madhuban, for comparison with CD Mark-A and the Micro SD Card Mark-B.

As per undertaking given by learned counsel for the petitioner, all the necessary expenses in the said regard, shall be borne by the petitioner.

The trial Court shall not pass the final order till the receipt report of voice samples from the FSL, Madhuban.

The instant petition stands disposed of accordingly.

07.03.2022

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(MANJARI NEHRU KAUL)
JUDGE

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