

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

**CRR No.1557 of 2018 (O&M)
Date of Decision:17.05.2022**

Rajat Kalsan and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Anjali Sheoran, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner against the order dated 19.04.2018 passed by Judicial Magistrate 1st Class Hansi, whereby the application moved by the prosecution seeking permission to take the voice sample of the accused persons(petitioners) for purpose of getting the same tested from FSL Madhuban, was allowed in criminal case having FIR No.302 dated 14.09.2017 under Section 153A/153B/193/120B/109/211/505/506/389 IPC registered at Police Station Sadar Hansi.

On notice of motion, the State was represented by the State counsel.

I have heard the counsel for the parties.

During arguments the counsel for the petitioners conceded that after the filing of present petition, the Hon'ble Apex Court in Ritesh Sinha Vs. State of Uttar Pradesh and another, 2019 (3) RCR (Criminal) 952, has held that until explicit provisions are engrafted in the Cr.P.C by parliament, a judicial magistrate has the power to order a person to give a sample of his voice for the purpose of investigation of crime.

In the light of aforesaid settled position of law no ground is made out to interfere in the impugned order passed by the Court of JMIC Hansi. Consequently, the present petition is hereby dismissed.

The copy of this order be sent to the trial Court for information.

17.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No