

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

CRR-1745-2021 (O&M)

Date of Decision: 04.02.2022

PARSHOTAM LAL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Navkiran Singh, Advocate
for the petitioner.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

CRM-3627-2022

This is an application for impleading the accused, namely, Tarsem Kumar, as respondent No.2.

For the reasons stated in the application, the same is allowed. Accused, namely, Tarsem Kumar is impleaded as respondent No.2.

Amended memo of parties is taken on record.

Application is disposed of.

CRR-1745-2021 (O&M)

Respondent No2 is facing trial for having committed the offence under Section 306 IPC. The case of the prosecution is based upon the suicide note alleged to have been written by the deceased, wherein, there is an allegation to the effect that respondent No.2 had fraudulently procured her signatures. Consequently, an application under Section 216 Cr.P.C. was moved for addition of offences under Sections 467, 468 and 471 IPC, but the same has been dismissed by the learned trial Court in terms of the impugned order dated 04.02.2020.

In the impugned order, an observation has been recorded as following:-

“May be there is reference in the suicide note of any signatures of Asha Rani fraudulently taken by Tasem Kumar accused or forging the amount of agreement but from that it cannot be inferred if any forgery has been done.”

Learned counsel for the petitioner contends that respondent No.2 has instituted a suit for specific performance and the aforesaid observation recorded in the impugned order may prejudicially effect the petitioner, who is the legal heir of the deceased and defendant in the suit. It has been further stated that the present petition may be disposed of with an observation that the aforesaid observation in the impugned order will not be having any bearing on the merits of the civil suit instituted by respondent No.2 against the petitioner.

The petition is disposed of with the observation that the aforesaid observation as recorded in the impugned order will not have any effect or bearing on the merits of the civil suit and the legality and validity of the documents will be independently looked into on the basis of the evidence that may be adduced and the material that may be brought on the record of the Court seized of the civil matter.

04.02.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No