

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

285

CRM-M-10647-2022  
Date of Decision:19.01.2023

Jagdip Singh

....Petitioner

Versus

Central Bureau of Investigation Sector 30, Chandigarh

....Respondent

**CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Rajeev Anand, Standing counsel for CBI.

Mr. R.S. Bains, Sr. Advocate with  
Mr. Aman Raj Bawa, Advocate for the complainant.

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**ANOOP CHITKARA, J.**

The limited prayer for which the petitioner has come up before this Court is that multiple statements of witness-Amarjit Singh were recorded, however, in the final report one of the statement was withheld deliberately and subsequently the said statement recorded under Section 161 CrPC was not supplied to the accused.

Counsel for the CBI as well as counsel for the complainant state that such statement was withheld for the reason that investigating officer had conspired with the accused and recorded the statement of witness-Amrjit Singh at his own. Lateron, witness made complaint qua this aspect against the investigator and further, in the inquiry the investigator who had recorded such statement of witness, disowned the statement by admitting that it was not properly recorded. Subsequently on this, the investigating officer was changed, only this was the reason to withheld the statement of witness.

Since the statement under Section 161 CrPC is a narration of

facts by witness and recorded by the investigating officer and it is an unsigned document. In case, the statements recorded u/s 161 CrPC were given to the accused-petitioner, there would be no prejudice to the CBI.

Given above, CBI to supply copy of the statement to the accused subject to the condition that while considering the statement, the trial Court shall keep it in mind the background and the fact that such statement was supplied to all just exceptions including the observations made herein before.

Petition is allowed in the terms mentioned above. Pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

19.01.2023  
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Whether speaking/reasoned  
Whether reportable?

Yes/no  
Yes/no