

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

203

CRM-M-25993-2017 (O&M)

Date of Decision: 19.07.2023

JOGINDER KAUR

... Petitioner

Versus

STATE OF PUNJAB AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

Mr. CL Pawar, Additional AG Punjab.

Mr. Mayank Mehla, Advocate for
Mr. Veneet Sharma, Advocate
for respondent No.4.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for quashing the order dated 03.06.2017 passed by the learned Chief Judicial Magistrate, Amritsar (Annexure P-10) vide which an application filed by the petitioner under Section 311 Cr.P.C. was dismissed and the petitioner was not allowed to tender in evidence the report of the Director, Finger Print Bureau, Phillaur.

Learned counsel for the petitioner submits that earlier also the petitioner had approached this Court by way of filing CRM-M-39765-2014, which was partly allowed vide order dated 20.05.2016 passed by a Coordinate Bench of this Court. The relevant extract of the order dated 20.05.2016 passed by a Coordinate Bench of this Court, would read as under:-

'Keeping in view the fact that wide powers are conferred on the trial court under section 311 Cr.P.C., this court deems it fit to grant one opportunity to the prosecution to examine the Judicial Record Kepper as well as HRC from the office of Sub Registrar, Amritsar. The plea in respect of summoning witness Tarlok Singh has, however, been withdrawn by counsel for the petitioner. Prayer in that regard is, thus, rejected. Trial of the case is pending for a considerable period. Trial court shall endeavour to expedite the same. Petition is partly allowed subject to payment of Rs.10,000/- as costs to be remitted to Mediation and Conciliation Centre, Amritsar'.

Learned counsel for the petitioner further submits that though the report of the Director, Finger Print Bureau, Phillaur, was ready with the investigating agency, yet the same could not be tendered into evidence due to heavy rush of work. He further submits that if the said report is allowed to be tendered into evidence, it would cause no prejudice to the accused and rather they would get a right to lead evidence in rebuttal, if any. Still further, it is submitted that the said report is already on the record of the trial Court and the same is only required to be tendered into evidence. Thus, a prayer has been made that one more opportunity be granted to the petitioner/prosecution agency to tender the report of the Director, Finger Print Bureau, Phillaur.

On the other hand, learned counsel for respondent No.4 submits that the petitioner had already approached this Court and was granted an opportunity vide order dated 20.05.2016 passed by a Coordinate Bench of this Court, but the same was not availed by him. He,

thus, prays that another opportunity be not granted to the petitioner as the same is nothing, but a delaying tactic and will prejudice the case of the accused persons.

In support of his contentions, learned counsel for respondent No.4 relies upon the order dated 04.07.2013 passed by the Hon'ble Supreme Court in SLP (Crl.) No.2400/2011 titled as Rajaram Prasad Yadav vs State of Bihar and another.

Learned State counsel submits that the report in question was already on the case file of the trial Court, but it was not allowed to be tendered into evidence. He further submits that the said document is necessary for the just decision of the issue in question.

I have heard the learned counsel for the parties.

No doubt that the petitioner had earlier approached this Court by way of CRM-M-39765-2014 and vide order dated 20.05.2016, the prosecution was granted an opportunity to examine judicial record keeper and HRC from the Office of Sub-Registrar, Amritsar, subject to payment of Rs.10,000/- as costs.

As noticed above, the report of the Director, Finger Print Bureau, Phillaur, is already on the judicial file, but the same could not be tendered into evidence due to heavy rush of work.

To the opinion of this Court, the report, sought to be tendered into evidence, is an important document to draw just and right conclusion by the Court below.

In view of the above, the present petition is allowed. One last opportunity is granted to the petitioner/investigating agency to tender

into evidence the report of the Director, Finger Print Bureau, Phillaur, subject to the payment of Rs.20,000/- to be deposited in the Medication and Conciliation Centre, Amritsar.

The trial Court concerned is directed to allow the petitioner/investigating agency to tender into evidence the aforesaid report.

19.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No