IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(207) **Neutral Citation No.2023:PHHC:080455-DB**

CRM-M-25218-2023

Decided on : 01.06.2023

Manpreet Singh @ Manni Gill

……Petitioner(s)

Versus

State of Punjab and others

……Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Rahil Mahajan, Advocate and
Mr. Harshit Sethi, Advocate for the petitioner (s).

Mr. V.G. Jauhar, Additional Advocate General, Punjab.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Shobit Phutela, Advocate for the ED.

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G.S. Sandhawalia, J. (Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for directing the Registrar Judicial of this Court to transfer the file pertaining to the Trial Court Case No.NDPS RT No.5 dated 31.05.2013 arising out of FIR No.69 dated 08.03.2013 under Sections 21, 22, 61, 85 of NDPS Act and Section 13 of F.E.M Act, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. It is the case of the petitioner that the said record is available in the pending criminal appeal bearing No.CRA-D-349-2019 and is required in the Court of the Special Judge, CBI-cum-PMLA Court, Punjab, SAS Nagar, Mohali, as the documents contained in the abovesaid Trial Court record are required to be exhibited in evidence by the petitioner in his defence in the Complaint Case No.11 of 2017.

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3. In sum and substance the case of the petitioner is that while he was convicted in the abovesaid FIR and the offshoot proceedings pending in the Trial Court under the Prevention of Money Laundering Act, 2002. He had called for the record, so that the documents exhibited in the FIR case were also exhibited and proved in the complaint case. However, the officials who had got the record had expressed their inability that they could not compare the photocopy shown by the Advocate with the documents on the file nor they could prove the same as the documents have not been executed in their presence. They could not supply copies of the documents from the record as there was no such direction by this Court and they had only been deputed to produce the record. In such circumstances, counsel for the petitioner had taken time to obtain the certified copies of the documents to produce the same in the defence. Relevant portion of the order dated 04.10.2022 (Annexure P-2) passed by the Special Judge, CBI-cum-PMLA Court, Punjab, SAS Nagar, Mohali reads as under:-

> "The case is fixed for defence evidence. DW-23 Sukhdev Singh and DW-24 Bhag Singh are present and their cross-examination has been recorded.
>
> Sh. Amandeep Sharma, Senior Assistant and Ankur Randhawa, Junior Assistant, Criminal Branch, DB Section have produced the summoned record and made a separate statement that they have been deputed by the Hon'ble Registrar General, Punjab and Haryana High Court to produce the original record of the case titled bearing FIR No.69 dated 08.03.2013 under sections 21, 22, 61/85 NDPS Act and under section 13 FEMA, PS Mandi Gobindgarh requisitioned in CRA-D-348-2019 titled as 'Gabbar Singh Vs. State of Punjab' and CRA-D-349-2019 titled as

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> ‘Manpreet Singh Gill @ Mani Vs. State of Punjab’ with a direction to bring back the same after the evidence is over and accordingly, they have produced the said record in the court and that they cannot compare the photo-copy shown by the Advocate with the documents on the file nor prove the same as the documents have not been executed in their presence nor can they supply copies of documents from the record produced from the Hon’ble High Court as there is no such directions by the Hon’ble High Court as they have only been deputed to produce the record in this court. On their statement, the learned counsel for the accused Manpreet Singh Gill @ Mani requested that she may be given time to obtain certified copies of the documents to produce them in defence.
>
> DW Jatinder Vansil has sent a written request seeking another date as he is preoccupied in professional engagement. The matter is adjourned to 18.10.2022 for defence evidence. DW Jatinder Vansil and remaining defence witnesses of Sh. Sumesh Jain Advocate be summoned for the date fixed.”

4. Accordingly, the case of the petitioner is that he had applied for the certified copies, but was not supplied the same and has supplied uncertified copies of the same by the copying agency of this Court. Reliance has been placed upon the uncertified copies given by the office, which have been placed on record as Annexure P-3. In such circumstances, the present petition has been filed.

5. On 18.05.2023 we directed the petitioner to file an application giving the exact details of the certified copies of which the documents required. CRM-23984-2023 has been filed giving the details of the documents of which the certified copy is required as Annexure A-1.

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6. Now we have been informed by the office that in pursuance of the letter No.60 dated 22.05.2023, the record was sent by the Registrar General of this Court to the District and Sessions Judge, SAS Nagar (Mohali) for scanning and digitization and the Trial Court was to forward the scanned copy of the lower Court record to this Court within a period of one month of the receipt of the record. Similarly, vide letter No.4358 dated 26.05.2023, the District and Sessions Judge, SAS Nagar (Mohali) was informed on the request which had been received from him vide Endst. No.4433 dated 20.05.2023 that the original record of the case had already been sent vide letter No.60 dated 22.05.2023. Thus, the Special Judge was asked that if there was still any requirement of appearance of the concerned official, the information be given accordingly to the concerned Court. Thus, it is apparent that due to subsequent events, original record has already gone back to the District and Sessions Judge, SAS Nagar (Mohali) and, therefore, the request, which is now being made has become infructuous. However, in case the petitioner still has any difficulty, he can file an appropriate application for clarification of the issue.

7. Petition stands disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

01.06.2023
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Whether speaking/reasoned :	Yes	
Whether Reportable :		No

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