

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24877-2023
Decided on : 17.05.2023

Gursukhwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Himanshu Puri, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking quashing of the order dated 03.10.2022 (Annexure P-7) passed by JMIC, Patiala in FIR No.280 dated 17.08.2021 under Sections 420, 467, 468, 471, 120-B, 447, 201 IPC at P.S. Civil Line, Patiala.

2. Learned counsel for the petitioner submits that at the time of framing of charges, only the chargesheet is to be taken into consideration and the accused cannot be allowed to produce any document. Learned counsel further submits that since the accused himself had declined to produce the original documents for comparison of signatures and the police had added the offence punishable under Section 201 IPC, the accused could not now be allowed to produce those very documents. Learned counsel further submits that there is a big question mark and genuine doubt about the authenticity of those documents, which had not been produced, rather withheld, by the

accused from the police during investigation of the case in hand. Learned counsel has urged that the order of the trial Court for sending the documents in question for comparison to the FSL was therefore, patently perverse and suffered from grave illegality and therefore, was liable to be set aside.

3. Heard learned counsel and perused the relevant material available on record.

4. The gist of allegations levelled by the petitioner-complainant is that all the accused in connivance with each other forged the signatures of his mother on a Power of Attorney dated 23.02.2000 and 25.05.2000 and thereafter encroached upon her property measuring 374 sq. yards. The complainant's mother died in the year 2008. The petitioner and his brother were the only surviving legal heirs of their mother. Though the investigating agency repeatedly asked the accused to produce the original documents i.e. Power of Attorney dated 23.02.2000 and 25.05.2000, however, they had failed to do so. While the matter was pending for consideration of charges, the accused suffered a statement that they were now ready to produce the said documents i.e. original Power of Attorney dated 23.02.2000 and 25.05.2000 for comparison of signatures of the mother of the petitioner. Subsequently, the documents in question were sent to the FSL vide impugned order (Annexure P-7) for comparison of signatures alongwith all other relevant documents.

5. Admittedly, the photocopies of the documents in question i.e. Power of Attorney dated 23.02.2000 and 25.05.2000 were already a part of the chargesheet. Therefore, this Court does not find any merit qua the

concerns raised by the petitioner with respect to the authenticity of the documents produced by the accused, which have now been sent for comparison to the FSL. Furthermore, it is a matter of record and stands noticed in the impugned order also that the petitioner himself had given his 'No Objection' when the documents were produced and sent to the FSL for the purpose of comparison of signatures which were on the Power of Attorney dated 23.02.2000 and 25.05.2000. It is not even the case of the petitioner that the documents produced by the accused are different from the ones qua which allegations of forgery stand levelled.

6. This Court fails to comprehend as to how the impugned order adversely affects the case of the petitioner rather the FSL report would clinch the issue as to whether the documents in question have been forged or not.

7. As a sequel to the above discussion, this Court is not inclined to set aside the impugned order. Accordingly, the present petition, being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

17.05.2023
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No