

CRR-2138-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2138-2018 (O&M)

Date of decision: July 24, 2023

Maninder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Satnam Singh Gill, Advocate for petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (ORAL)

Present revision petition has been filed for quashing impugned order dated 02.06.2018 passed by learned Judge Special Court, Patiala whereby application of the petitioner/ accused to examine Navdeep Gupta, handwriting and finger print expert for comparison of signatures of prosecution witnesses SI Harpreet Kaur and HC Gian Singh on alleged documents, was dismissed, in case FIR No.91 dated 22.04.2016, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, City Rajpura.

2. Learned counsel for the petitioner submits that material documents of the case on which prosecution is relying i.e., recovery memo, consent memo etc. are fabricated inasmuch as signatures of Investigating Officer SI Harpreet Kaur and of the recovery witness HC Gian Singh do not tally on various documents and have been affixed in different hands. Also contends that while on recovery memo (Annexure P-2), consent memo (Annexure P-3), 'Ruqa' (Annexure P-4), the Investigating Officer has signed in English but in memo Ex. PK pertaining to production of photographs annexed as Annexure P-5, he has chosen to sign in Punjabi language.

3. On the other hand, learned State counsel opposes the petition and supports the impugned order passed by learned Court below while declining application of the petitioner for examination of aforesaid handwriting expert.

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4. I have heard learned counsel for the parties and perused case file.
5. Concededly, in the present case, Investigating Officer had signed in English on recovery memo (Annexure P-2), consent memo (Annexure P-3), 'Ruqa' (Annexure P-4), whereas in memo Ex. PK pertaining to production of photographs annexed as Annexure P-5, he signed in Punjabi language.
6. Section 73 the Indian Evidence Act, 1872 (for short 'the Act of 1872') empowers a Court to direct a person to write in words or figures by way of specimen writings for enabling a party to the *lis* to send the specimen writing to a handwriting expert for purposes of comparison with the writing of a disputed document alleged to be in the handwriting of that person. Section 45 of the Act of 1872 clearly indicates that such specimen writings can legally be used for comparison with the disputed writing by a handwriting expert also, irrespective of whether such expert is examined as a witness by any of the parties, or as a Court witness by the Court acting *suo motu* or on being moved by the prosecution or the defence.
7. Comparison by a handwriting expert is crucial for making a proper decision in a case as it can provide valuable insights into the authenticity of documents and signatures, helping to establish the truth and ensure that justice prevails. Handwriting analysis can reveal important details about a person's identity and intentions, making it an essential tool in legal investigations. Relying on an expert's assessment enhances the credibility of evidence presented in court and supports the fairness of the judicial process.
8. In the facts and circumstances of the present case, I am of the view that examination of handwriting expert would rather be helpful to learned Court below while arriving to any substantive conclusion.
9. In the premise, impugned order dated 02.06.2018 is set aside. Learned trial Court to proceed further by getting signatures of Investigating Officer SI Harpreet Kaur and recovery witness HC Gian Singh examined from handwriting expert Navdeep Gupta by asking Investigating Officer SI Harpreet Kaur and recovery witness HC Gian Singh to give sample handwriting both in 'Punjabi' as well as 'English' language, in accordance

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with law and get the same compared with disputed documents contained at Annexures P-2 to P-5.

- 10. Petition stands disposed of.
- 11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 24, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No