

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

115

CRM-M-2202-2023 (O&M)

Date of Decision : September 02, 2024

GURCHARAN SINGH SYAL

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Keshavam Chaudhri, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. P.S. Ahluwalia, Advocate with
Mr. Rishab Gupta, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for quashing the order dated 28.07.2022, whereby, the learned Magistrate concerned has dismissed the petitioner's application, as filed under Section 294 of the Cr.P.C., primarily on the ground that, purpose of moving the said application appears to be bringing on record certain private documents, which cannot be looked into at the time of framing of charge.
2. After hearing the arguments of the learned counsels for the contesting litigants, this Court had, on 23.05.2024, passed the hereinafter extracted order upon the instant petition:-

“Through the instant petition, challenge is thrown to the order dated 28.07.2022 (Annexure P-36), whereby the application preferred by the petitioner/accused under Section 294 Cr.P.C. has

been declined and only one document which according to the trial Court per se admissible while impliedly exercising its powers under Section 91 Cr.P.C., has been allowed to place on record, at the time of framing of charge.

The issues which require consideration of this Court are as under:-

- i). Whether the documents which sought be placed on record as evidence under Section 294 Cr.P.C. falls within the ambit of sterling quality?*
- ii). Whether before framing of charge, the trial Court, can exercise its powers under Section 294 Cr.P.C.?*
- iii). Whether in the given facts and circumstances, the documents of which the petitioner/accused wants admission and denial from the complainant, has a direct impact upon the issue of framing of charge or not?*
- iv). Whether by filing an application under Section 294 Cr.P.C. in the given circumstances, achieve the very basic object of Section 294 Cr.P.C. ?*

All the parties are directed to address arguments on these issue on next date of hearing.

Adjourned to 27.08.2024.

Interim order to continue.

In the meanwhile, learned counsel for the parties may supply brief synopsis, if any, one day prior to the date fixed.

To be shown in the urgent list.”

3. Today, although arguments have been advanced at length by the learned counsels for the contesting litigants, however, the learned counsel for the petitioner very fairly concedes that the application, whereon the impugned order was passed, was in fact a misconceived motion, inasmuch as, it should have been filed post the framing of charge. Therefore, the learned counsel for the petitioner seeks leave to withdraw the application filed before the learned trial Court/Magistrate concerned,

however, with liberty to, in case need arises in future, make an appropriate application alike to the one, whereon becomes passed the impugned order, at an appropriate stage of the trial.

4. Considering the fair, *bona fide* and innocuous request made by the learned counsel for the petitioner, the application in question is allowed to be withdrawn at this stage, however, with liberty (*supra*).

5. Consequently, the instant petition is **dismissed**, as having been rendered infructuous.

6. Pending application(s) stand disposed of accordingly.

September 02, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No