

2024:PHHC:169940



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRR 272 of 2024 (O&M)
Date of Decision: 06.11.2024

Sandeep Kumar ...Petitioner
Versus
State of UT Chandigarh and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. S.K. Bansal, Advocate for
Mr. J.S.Dadwal, Advocate, for the petitioner.

Mr. Akashdeep Singh, Additional P.P., U.T., Chandigarh.

Ms. Swati Aggarwal, Advocate for
Mr. Amar Singh Chahal, Advocate
for respondents No. 2 to 5.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition against the impugned order dated 20.01.2024 passed by the Court of Randeep Kumar, JMIC, Chandigarh, whereby, the application filed by the prosecution to direct the accused to give her specimen signatures as well as hand writing and for sending the same to CFSL for the purpose of comparison, was declined.
2. Learned counsel for the petitioner contends that the petitioner is the sub GPA holder of the original owner of House No. 222, Sector 44-A, Chandigarh and the petitioner has all the

property rights including issue any rent receipt, rent deed etc. Respondents No. 2 to 5 had connived with each other and had committed the offence of trespassing, theft, cheating, fraud and forgery of signatures as well as documents and used the said documents also. It is further argued that Anu Bala, respondent No. 2 used the false rent receipts, which was issued and signed by Puran Chand, since deceased, who had no authority to issue rent receipts and on the basis of those false rent receipts, respondent No. 2 had claimed HRA from her department. It was also found that an application was submitted in the electricity department on 09.08.2004, wherein, the signatures of the petitioner were forged. Ultimately, on the basis of the complaint filed by the petitioner, the police had registered FIR No. 52 dated 09.02.2010 under Sections 452, 380, 420, 467, 468, 471 and 120-B IPC, Police Station Sector 34, Chandigarh against respondents No. 2 to 5 and others. During the course of investigation, the specimen signatures/hand writing of petitioner and respondent No. 2/accused were taken and these were sent to the CFSL for comparison. After comparing the signatures of the petitioner, the CFSL submitted a report that the signatures on the questioned documents did not belong to the petitioner. However, in the report/opinion dated 09.04.2015, prepared by CFSL, it had been mentioned that “the common letters and their combinations as occurring in the questioned signatures are not present in the supplied admitted writings and signatures for comparison. However, another

attempt can be made if specimen writings written to dictation on several sheets as well as admitted genuine writings of the person concerned containing similar letters and their combinations as occurring in the questioned signatures marked Q1 to Q7 are supplied”.

3. Learned counsel further submits that the IO failed to comply with the requirement as mentioned in the letter by the CFSL and the specific signature, handwriting and admitted writing of the respondent No. 2 had not been sent to CFSL for comparison again and the challan was presented without specific report of the CFSL regarding forgery. Consequently, at a later stage, the above stated facts come to the notice of the petitioner and he moved the application in question with a prayer to direct the respondent No. 2 to give her specimen handwriting/signatures and admitted the handwriting and also requested to send the same to CFSL for comparison.

4. On the other hand, learned counsel for the respondents No. 2 to 5 argues that the report of the CFSL was received on 02.06.2015. Even, the said report was in the knowledge of the petitioner as well and when the matter was listed for defence evidence and arguments, the present application has been moved only with a view to delay the trial to fill the *lacunae* in the prosecution case.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the trial Court has rightly observed that the FIR was initially registered on 09.02.2010 and the appeal is pending before the trial Court for the last more than 11 years. Even, the CFSL report (Annexure P-4) was on record since 02.06.2015 but no efforts were made either by the prosecution or by the complainant to move the present application for seeking fresh specimen signatures as well as handwriting of the accused in order to procure the fresh CFSL report. Only at the stage of final arguments, the present application has been moved and the prayer has been declined by the trial Court.

7. Still further, it is apparent that the petitioner filed the present application at the fag end of the trial just to fill the *lacunae* in the prosecution case. It is always the satisfaction of the trial Court to see whether it is essential to allow such prayers for arriving at its just decision. In the present case, apparently there was no benefit to file the application, as it had been filed after unexplained delay of 09 years, when the case was listed for final disposal. Thus, this Court finds no illegality or irregularity in the order passed by the trial Court and the present petition is ordered to be dismissed.

8. The trial Court is directed to expedite the trial of the case.

06.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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