

S. No.132

2024:PHHC:040361

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7674 of 2024

Date of Decision:20.03.2024

Amit Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

During trial of case FIR No.164 dated 07.07.2019, registered at Police Station Sirhind under Section 22 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985, prosecution examined Retired SI Avtar Ali as PW3. During his cross-examination, the accused (petitioner herein) through his counsel wanted to confront the witness with the final report under Section 173 Cr.P.C, which request was declined by the Judge, Special Court, Fatehgarh Sahib vide his order dated 15.12.2023.

Against the afore-said order, the present petition has been filed under Section 482 Cr.P.C.

Learned counsel for the petitioner contends that PW3 was the second Investigating Officer. His statement under Section 161 Cr.P.C has not been recorded and, therefore, he was required to be confronted with the final report under Section 173 Cr.P.C.

After hearing learned counsel, this Court does not find any merit in the present petition. As noticed by learned Judge, Special Court, Fatehgarh Sahib that as per Section 145 of the Indian Evidence Act, it is only the statement of a

witness which can be confronted during his evidence. Challan has been prepared by SHO, therefore, Investigating Officer could not be confronted with the challan.

This Court does not find any illegality in the impugned order.
Dismissed.

March 20, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No