

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7977-2024
Date of decision : 16.02.2024

HARMOHINDER SINGH AND ANRPetitioners

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioners.

Mr. Jasjit Singh, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. the petitioners have assailed the order dated 16.11.2023 passed by ACJM, SAS Nagar, Mohali whereby the application filed under Section 311 Cr.P.C. by the prosecution for producing the following documents has been allowed:

“a. Audit report dated 10.07.2018 conducted by the Inspector Audit (Cooperative Society) and Senior Auditor (Sugar Fed Punjab) with regard to the ACC Members Cooperative house Building Society Ltd. Mohali for the period 01.04.2012 to 19.10.2012.

b. The letter dated 07.11.2017, 02.08.2018, 11.03.2019, 04.07.2019 from Estate officer GMADA to SSP, SAS Nagar (Mohali) and letter dated 22.02.2019 issued by Registrar Cooperative Society, Punjab address to SSP, SAS Nagar (Mohali).

c. Letter No. ACC/HB/MHL/1022 dated 18.05.2012 written by accused Harmohinder Singh to registrar cooperative society alongwith the list of members who have been alleged to have attended the general assembly meeting dated 14.04.2011

alongwith certificate submitted by accused Harmohinder Singh with regard to the society not getting any government aid.

d. Order dated 19.10.2020 of registrar cooperative society vide which the registrar has taken back the approval granted pertaining to the society converted into self-supporting society.

e. Order dated 06.01.2021 of Assistant Registrar Cooperative Society Mohali wherein he has cancelled the ACC member self-supporting society from the date of its registration and converted it into ACC members Cooperative Society Ltd. Mohali.”

2. The petitioners preferred revision against the said order before Addl. Sessions Judge, Mohali which stands declined as being not maintainable vide order dated 02.02.2024. The same has also been placed on record as Annexure P-5.

3. Counsel representing the petitioners has attacked the impugned order primarily on two grounds. *Firstly*, he submits that there is no finding that the documents are relevant for just decision of the case and thus the primary requirement of Section 311 of the Code has not been satisfied. The second objection is w.r.t. the production of the documents. Counsel for the petitioners has submitted that its a criminal trial and the documents just cannot be allowed to be produced as was being sought by the prosecution.

4. I have heard counsel for the petitioners and have carefully gone through the records of the case.

5. In the considered opinion of this Court, both the objections san merit and deserve to be rejected.

6. Ld. Trial Court while allowing the application under Section 311 of the Code has been guided solely by the 'principle of relevance' and

rightly so. So far as question w.r.t. the documents being produced not by the competent witness, the same is not subject matter of the application under Section 311 of the Code as by allowing the application under Section 311 the Trial Court has only allowed the documents to be brought on record. The question w.r.t. the admissibility thereof and the mode of proof has been kept open and definitely the same will be the subject matter of adjudication by the Trial Court at the time the documents are produced.

7. Consequently, the present petition is dismissed.

February 16, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No