



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

CRM-M-20680-2023

Date of decision: 03.09.2024

Kamaal Khan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Animesh Sharma, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana

None on behalf of respondents No.2 to 11.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner/complainant under Section 482 Cr.P.C for setting aside the order dated 03.11.2022 (Annexure P-1) passed by the Court of Judicial Magistrate Ist Class, Jagadhari whereby an application filed by the petitioner under Section 311 Cr.P.C for permission to place on record (i) copy of inquiry report dated 26.06.2006 in complaint no. 16 JTL dated 05.06.2006 moved by Lakhan Lal son of Shri Babu Ram, Resident of Village Nagal, Tehsil Jagadhri, District Yamuna Nagar to P.S Jathlana, (ii) application dated 22.04.2014 moved by Netar Parkash Mehta son of Shri Paras Ram, resident of House No.10, Model Colony, Yamuna Nagar to SHO Jathlana against Lakhan Lal son of Babu Ram etc. alongwith copy of compromise reached between Netar Parkash Mehta and Lakhan Pal etc. in that complaint, (iii) Copy of complaint dated 14.05.2014 moved by Lakhan Lal son of Shri Babu Ram, resident of Village Nagal, to S.P.Yamuna Nagar against Netar Parkash & another alongwith report of police dated 03.06.2014 in the inquiry of said complaint, (v) copy of agreement to sell dated 12.12.2014 entered between Netar Parkash Mehta and Kamal Khan, by way of



additional evidence and permission to summon (1) ASI Ranbir Singh posted in P.S Jathlana on 26.06.2006 to prove inquiry report dated 26.06.2006, (2) Munshi from police station Jathlana to prove complaint dated 22.04.2014 and compromise reached in that complaint (3) clerk concerned from S.P. Office Yamuna Nagar to prove complaint dated 14.05.2014 and inquiry report dated 03.06.2014 in that complaint, (4) Netar Parkash Mehta son of Shri Paras Ram, resident of House no.10, Model Colony, Yamuna Nagar, Tehsil Jagadhri District Yamuna Nagar to prove agreement dated AI 12.12.2014 by way of additional evidence, was dismissed.

2. Notice was issued and in response to same, State counsel appeared and filed reply by way of an affidavit of Gurmel Singh, Deputy Superintendent of Police, Radaur, District Yamuna Nagar. No one appeared on behalf of respondents No.2 to 11 despite their due service.

3. The counsel for the petitioner submits that petitioner came into possession of land in question on the basis of agreement to sell which was executed in his favour by Netar Parkash Mehta. On 10.09.2015, Lakhan Lal and other accused persons trespassed into said land and damaged the crop and they also extended threats to the petitioner and other members of his family. The matter was reported to the police and FIR was registered. On completion of investigation, police presented challan, charges were framed and prosecution led its evidence and complainant filed an application under Section 311 Cr.P.C to produce afore-stated additional evidence.

4. The said application was contested and after hearing the counsel for the parties, the same was dismissed by the learned trial Court vide order dated 03.11.2022. Being aggrieved, the petitioner has filed the present petition.

5. I have heard the counsel for the petitioner and the State counsel.

6. The counsel for the petitioner submits that dispute regarding the land in question was already going on between Netar Parkash Mehta and Lakhan Lal and the matter was inquired into by the police and police submitted inquiry report dated 26.06.2006. That another application dated 22.04.2014 was given by Netar Parkash Mehta against Lakhan Lal along



with copy of compromise which was effected between the aforesaid parties. That Lakhan Lal also lodged complaint dated 14.05.2014 against Netar Parkash Mehta wherein police gave its report dated 03.06.2014. That agreement to sell entered between Netar Parkash Mehta and petitioner is dated 12.12.2014. That all the aforesaid documents are necessary to the just decision of the case and in order to prove the said documents, ASI Ranbir Singh posted in Police Station Jathlana, MHC of the said police station and Netar Parkash Mehta are to be examined by way of additional evidence. It has been further submitted that in the given circumstances, the impugned order deserves to be set aside.

7. The State counsel submits that the application filed by the petitioner under Section 311 Cr.P.C deserves to be allowed, in the interest of justice.

8. I have considered the submissions made by counsel for the petitioner and the State counsel.

9. In order to establish the fact that at the time of occurrence, the petitioner was in possession of the land in question, petitioner intends to examine the concerned MHC with direction to him to produce the concerned applications dated 22.04.2014 and 14.05.2014 filed by Netar Parkash Mehta and Lakhan Lal respectively, police report dated 03.06.2014 and compromise which was effected between aforesaid parties. The petitioner has also made request to examine Netar Parkash Mehta to prove execution of agreement to sell dated 12.12.2014 executed between the parties. This Court is of the view that the aforesaid documents are having bearing on the present case and their production is required for proper adjudication of the case.

10. In the light of the above, the present petition is partly allowed and the impugned order is partly set aside and permission is granted to summon MHC of Police Station Jathlana along with aforesaid applications dated 22.04.2014 and 14.05.2014, copy of compromise deed, police report dated 03.06.2014 and copy of agreement to sell dated 12.12.2014. Permission is also granted to summon Netar Parkash Mehta executant of agreement to sell dated 12.12.2014. Two effective opportunities be given to

the petitioner/prosecution to examine both the said witnesses, which will be subject to cost of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, concerned.

11. However, nothing observed herein above is to be construed as an expression of opinion on the merits of the case.

12. The present petition is disposed of in aforesaid terms.

03.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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