



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

**CRM-44057-2024,
CRM-44058-2024,
CRM-44059-2024
IN/AND CRR-2202-2024
Date of Decision:07.11.2024**

Harbinder Singh ...Petitioner

vs.

Jaideep Singh Bajwa ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Sahil Parmar, Advocate
for the petitioner (through VC).

N.S.Shekhawat J. (Oral)

CRM-44057-2024

1. The applicant/petitioner has moved the instant application under Section 5 of Limitation Act for condonation of delay of 17 days in filing the present revision petition.

2. For the reasons mentioned in the application, the minimal delay of 17 days in filing the present revision petition is condoned.

Main case

1. The petitioner has filed the present revision petition against the impugned order dated 15.07.2024, passed by the Court of Judicial Magistrate Ist Class, Chandigarh, whereby, the application moved by him for appointment of handwriting expert for taking the specimen signatures of the petitioner/accused for comparison with the signatures on the cheque in question was ordered to be dismissed.

2. Learned counsel for the petitioner contends that the petitioner/accused had never issued any cheque to the respondent at any point of time, rather the respondent/complainant had stolen the cheque in question from the cheque book of the petitioner, which was lying in the car of the petitioner. Consequently, when the complainant evidence was being led, he moved an application for appointment of handwriting expert for taking the specimen signatures of the accused for comparison with the signatures on the cheque in question to ascertain the fact that the signatures appended on the cheque in question had not been appended by him and the same has been forged and fabricated.

3. I have heard learned counsel for the petitioner at length and perused the record carefully.

4. Learned counsel for the petitioner has reiterated the submissions made in the application (Annexure P-3) and submitted that the evidence of the complainant is going on and the complainant is to be cross-examined by the accused. For the said purpose of cross-examining the complainant, the evidence of the expert would be necessary.

5. In the present case, apparently, the case is listed for complainant evidence and the petitioner/accused has already been permitted to cross-examine the witness. At this stage, the petitioner/accused has the complete right to put any question to him with regard to person, who had signed the cheque and can also put suggestions to the witness. In case, the petitioner/accused wants to prove any of his defence, he can always do so at the stage, when he would be permitted to lead his defence evidence. The Trial Court has rightly dismissed the application in question by observing that the application is not

maintainable at this stage and can be filed at an appropriate stage, after the closure of the prosecution evidence. Further, as per the provisions of the Evidence Act, there is no need to put such a report to the complainant witness, at this stage. Thus, the present petition is ordered to be dismissed.

6. Pending application(s), if any, stand(s), disposed of, accordingly.

07.11.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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