



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

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CRM-M-58047-2023(O&M)
Date of Decision : **September 11, 2024**

GAUTAM CHEEMA, IPS

.....Petitioner

VERSUS

CBI AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bipan Ghai, Sr. Advocate assisted by
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Advocate for the respondent-CBI.

KULDEEP TIWARI, J.

CRM-7644-2024

1. Allowed, as prayed for. Reply on behalf of respondent-CBI is taken on record subject to all just exception.

Main case

2. Through the instant petition, prayer is made for quashing of order dated 6.11.2023 passed by the learned Special Judicial Magistrate 1st Class, Chandigarh, wherethrough the application filed by the petitioner for de-exhibiting the police *zimmies* exhibited during the examination-in-chief of PW34 Pawan Kumar was dismissed.

3. The petitioner, who is facing trial in FIR No.RC0512020S0001 dated 29.4.2020, under Sections 452, 323, 365, 342, 186, 225, 506 and 120-B IPC, registered at Police Station SCB, Chandigarh and at the fag end

of the trial, has filed an application for de-exhibiting the *zimmies*, which have been exhibited during the examination-in-chief of PW34 Pawa Kumar, DSP, and also with a prayer that the part of the examination-in-chief, which was recorded after referring the police *zimmies* in the evidence of PW34, cannot be read as a part of the evidence as per provisions of Section 172 Cr.P.C.

4. The learned trial Court concerned, after considering the reply of the respondent-CBI, found no error in exhibiting of the *zimmies*, which were recorded by the Punjab Police and seized by the CBI upon the transfer of the investigation and proceeded to dismiss the application vide impugned order (*supra*), which caused grievance to the petitioner and propelled him to file the instant petition under Section 482 Cr.P.C. wherethrough, the challenge is thrown to the order (*supra*).

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and find no merit in the instant petition.

6. First of all, there is no provision under Cr.P.C., under which the application for de-exhibiting of some documents can be filed. Secondly, its a trite law, that merely exhibition of any document would not *ipso-facto* convert the same admissible in the eyes of law. The admissibility and probative value of any exhibited document shall always be examined by the learned trial Court concerned, at the time of passing the final judgment. Therefore, the instant application filed before trial Court is infact, misconceived motion. It is always open for the petitioner to raise the admissibility of such document, at the time of final arguments before the learned trial Court concerned. Infact, it seems that the instant application has been filed as a dilatory tactics. The Hon'ble Supreme Court vide order dated 10.4.2023 passed in the instant case



i.e. **Central Bureau of Investigation Vs. Aryan Singh etc., SLP (Crl.) Nos. 12794-12795 of 2022**, has specifically directed the learned trial Court concerned to conclude the trial at the earliest, but not later than 12 months from the date of the receipt of the copy of the order.

7. The learned counsel for the respondent-CBI, informs this Court that now the case is fixed for final arguments, therefore, no interference in the impugned order is called for. However, it is always open for the petitioner to raise the issue of admissibility and the probative value, of the document(s), which have exhibited during the trial.

8. The instant petition is **dismissed**.

September 11, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No