



CRR No. 2509 of 2024

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

CRR No. 2509 of 2024

Date of Decision: 11.12.2024

Sukhmani Minar Lamba

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepak Gupta, Advocate  
for the petitioner.

Ms. Swati Batra, D.A.G., Punjab.

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**ANOOP CHITKARA, J.**

1. Seeking setting aside of impugned order dated 14.10.2024 passed by Additional Sessions Judge, Sri Muktsar Sahib, the petitioner has come up before this Court under Section 442 BNSS, 2023.

2. The present FIR is pending trial for last 12 years and one of the reason for delay is the continuous excuses by one party or the other. In a sequel to the above strategy, the complainant has come up before this Court by filing the present revision petition.

3. State has filed an application Annexure P-4 seeking permission to take original handwriting of accused for comparison through SHO of Police Station Sri Muktsar Sahib dated 02.02.2023 with the following prayer clause:-

*"1. Kindly take again the signatures and handwriting for matching the signatures and handwriting of accused Chinar Lamba and accused Mandeep Singh and kindly give permission to take original handwritten applications of accused Chinar Lamba and Mandeep Singh, which given by them before the Hon'ble Court.*

*2. Kindly give permission to take voice samples of accused Mandeep Singh and Lakhwinder Kaur according to mobile recording so that the voice samples may be sent again to CFSL."*

4. Vide the impugned order dated 14.10.2024, the trial Court dismissed application by making following observations:-



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*“4. The application in hand has been filed by SHO City Sri Muktsar Sahib on 02.02.2023. The first prayer made in the application is that the handwriting of accused Chinar Lamba and Mandeep Singh shall be compared. He has not mentioned any detail of questioned signatures or the standard signatures, so it is not clear before this court that what he intends to investigate after the examination of 53 witnesses of the prosecution. It is pertinent to mention here that the charge-sheet against the accused had been framed by my predecessor on 05.03.2014 and prosecution has taken more than 100 opportunities, but it has not been able to conclude the evidence. An application under Section 311 Crpc had also been moved by it on 02.07.2019 for summoning 11 more witnesses which was allowed by my predecessor, and an effort has been made to prove the murder case of Mahabir Singh who is also alleged to have been murdered by accused in the present case, and the complaint of hat case had been registered by the victim deceased of the present case. The investigation officer already obtained signatures of accused for the purpose of comparison, and the FSL has given report which is there on the file. If the report is not to the liking of SHO, then he does not have any right to move the application in hand after examining almost all the witnesses of prosecution. The signatures of any person undergo change during a period of 10 years, as the age, profession and manual dexterity of a person plays an important role. If FSL could not give any definite opinion at that time, then the degree of variation will be more after the passage of time. The alleged offence took place on 08.01.2012, and a period of more than 12 years has passed since then. The witnesses have been examined at length by the prosecution, and instead of concluding the same, the application in hand has been filed only to delay the conclusion of trial.*

*5. Similarly the manner, tone and pitch of the voice of any person undergoes drastic change in a period of 12 years. The voice samples had been sent by IO to CFSL for the purpose of comparison earlier also, and report is there on the file. The transcripts of call recordings have already been exhibited by the prosecution, and if any voice samples were to be compared after the report of CFSL, then it should have been done before producing transcripts.*

*6. The concerned SHO has not given any details of the written requests of the accused containing their signatures, nor he has attached the CD/ Pen drive containing alleged voice recording which is to be compared by CFSL. There is no merit in the application, so it is hereby dismissed. One last and final*

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*opportunity is given to prosecution to conclude the evidence on 21.10.2024.”*

5.           Aggrieved by dismissal of complaint, the complainant has come up before this Court.
6.           I have heard counsel for the parties to ascertain whether the petition is worth issuing notice or not.
7.           The reasoning given by the trial Court as mentioned in para no.5 (supra) appears to be scientifically correct. The trial Court is right by observing that degree of variation would increase with the passage of time which would impact the dexterity and chance of indefinite opinion would increase. On the face of it, it appears to be a delay tactics.
8.           There is no merit in the petition and the same is accordingly, dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

11.12.2024  
Jyoti Sharma

Whether speaking/reasoned:           Yes

Whether reportable:                       No.