



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

123

CRR-631-2025 (O&M)

Date of decision: March 19th, 2025

Harish Kumar and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Sindhwani, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.

The petitioners have approached this Court assailing the legality and propriety of the orders dated 11.02.2025 and 21.02.2025 passed by the learned trial Court, whereby the prosecution has been permitted to place on record and rely upon a supplementary challan dated 09.02.2025.

2. Learned counsel for the petitioners contends that the impugned orders suffer from serious legal infirmities, as the supplementary challan has been filed after an inordinate and unexplained delay of over 12 years, without any cogent justification for the same. It is submitted that the sole document forming part of the said challan is an FSL report dated 11.02.2011, which was already in the possession of the investigating agency prior to the filing of the main challans in 2013 and 2015, yet had never been relied upon at any earlier stage of the proceedings. Learned counsel argues that no application seeking permission to conduct further investigation under Section 173(8) of the Cr.P.C. was filed by the prosecution, nor was any explanation furnished as to why the report was not produced earlier.

3. It is further contended that the belated inclusion of the FSL report at the advanced stage of trial, when several witnesses have already been examined, is an attempt to fill *lacunae* in the case of the prosecution. Such an exercise, it is urged, not only contravenes the statutory mandate of Section 173 Cr.P.C. but also infringes the fundamental right of the petitioners to a fair and speedy trial under Article 21 of the Constitution of India.

4. Learned counsel further submits that the petitioners had raised these very objections before the learned trial Court by filing an application challenging the acceptance of the supplementary challan, but the same was dismissed in a mechanical manner, without proper application of mind. It is also argued that, in the absence of any further investigation or prior sanction from the competent Court, the filing of the supplementary challan is legally unsustainable and *non est* in the eyes of law.

5. Notice of motion.

6. Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana, accepts notice on behalf of the State.

7. Learned counsel for the State has supported the impugned orders contending that no fresh investigation has been conducted, nor has any new evidence been introduced through the supplementary challan. The inclusion of the FSL report is merely a formalization of an already existing document, which was inadvertently not placed on record earlier. It is argued that scientific evidence such as an FSL report is *per se* admissible, and its subsequent inclusion does not vitiate the proceedings in any manner.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. A perusal of the impugned orders reveals that the trial Court has duly considered the objections raised by the petitioners and has recorded cogent reasons for allowing the prosecution to place the FSL report on record. It is undisputed that the only document forming part of the supplementary challan is the FSL report, which pertains to the forensic examination of the specimen signatures collected during the initial course of investigation. The trial Court has explicitly noted that no further investigation has been conducted, nor has any fresh evidence been introduced beyond what was already part of the case record.

10. It needs to be reiterated that forensic and scientific reports are *per se* admissible and their omission from an earlier challan does not render their subsequent inclusion illegal. The accused are not precluded from challenging the admissibility or probative value of the report at the appropriate stage of trial. In the present case, the petitioners have failed to demonstrate any material prejudice caused to their defence by the inclusion of the official report, particularly when the document pertains solely to a scientific aspect of the case.

11. In light of the above, this Court finds no illegality much less perversity, in the impugned orders warranting interference in the exercise of its revisional jurisdiction.

12. Accordingly, the instant petition stands dismissed.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 19th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No