

CRR-2104-2019 (O & M)

2025:PHHC:109409



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(217-B)

CRR-2104-2019 (O & M)
Date of decision:20.08.2025

Dinesh

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Nayandeep Rana, Advocate as Amicus Curiae
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The challenge in the present petition is to the order dated 13.08.2019 passed by the Additional Sessions Judge, Karnal, vide which the application filed by the petitioner for placing on record a CD containing the conversation of PW-1/Pardeep Kumar with one Ram Niwas on 21.05.2017 in defence evidence and to compare the voices of Pardeep Kumar and Ram Niwas with their sample voices has been dismissed.

2. The brief facts of the case are that one Pardeep Kumar got registered an FIR No.275 dated 21.05.2017 under Section 302 read with Section 34 IPC, Police Station Gharaund with the allegations that Rahul had committed the murder of his (complainant-Pardeep Kumar's) brother-



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Sandeep and that time Dinesh had caught hold of the deceased. During the course of the Trial, an application was moved by accused-petitioner/Dinesh on 09.05.2019 seeking to place on record a CD containing the conversation of PW-1/Pardeep Kumar (complainant) with one Ram Niwas and also seeking issuance of directions to PW-1/Pardeep Kumar (complainant) and Ram Niwas to provide their voice samples to the FSL, Madhuban. The copy of the application is attached alongwith the revision petition as Annexure P-3. A reply dated 13.06.2019 (Annexure P-4) was submitted to the said application.

3. Based on the respective pleadings, the said application came to be dismissed by the Court of the Additional Sessions Judge, Karnal, vide order dated 13.08.2019 which is impugned in the present petition.

4. The learned counsel for the petitioner contends that, though, PW-1/Pardeep Kumar (complainant) has claimed to be an eye-witness to the occurrence, his conversation with Ram Niwas would show that in fact PW-1/Pardeep Kumar (complainant) had not witnessed the occurrence and did not know anything about the quarrel. Therefore, he be permitted to place on record the CD of the conversation between the two and directions be issued to both Pardeep Kumar (complainant) and Ram Niwas to provide their voice samples to the FSL after which the report of the FSL be submitted to the Trial Court in defence evidence.

5. The learned counsel for the State and the Amicus Curiae, on the other hand, contend that a perusal of the conversation purportedly between



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PW-1/Pardeep Kumar (complainant) and one Ram Niwas even if taken to be correct, does not further the case of the defence inasmuch as there is absolutely nothing to suggest that Pardeep Kumar had not witnessed the occurrence. At no prior stage during the course of the investigation was an attempt made by Dinesh/accused-petitioner to bring on record either the CD or seek voice samples of PW-1/Pardeep Kumar (complainant) and Ram Niwas. Further, a conversation between two persons regarding the occurrence would have little relevance in the absence of the context in which the conversation took place. They, therefore, contend that the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties.

7. An examination of the transcript of the alleged conversation which is placed on paper book at Page 27 would reveal nothing in support of the defence. There is absolutely no admission on the part of PW-1/Pardeep Kumar (complainant) that he had not witnessed the occurrence. Had this recording been available with the defence it would have very well brought it to the notice of the investigating agency during the course of investigation but for reasons best known to it, the same was not done. Further the context in which conversation allegedly took place can also not be deciphered. Therefore, no fault can be found with the impugned order dated 13.08.2019 passed by the Additional Sessions Judge, Karnal.

8. In view of the above discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

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9. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

August 20, 2025
sukhpreet

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