



102

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

CRM-M-41572-2019

Date of Decision:29.04.2026

Ranmeet Singh

...Petitioner

Vs.

State of Haryana and Ors.

...Respondents

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

Present: Mr. P.S Ahluwalia, Sr. Advocate with
Mr. H.S Randhawa, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr.DAG, Haryana.

Mr. Rohit Singh, Advocate with
Ms. Navita Singh Dinarpur, Advocate
for respondents No.2 to 4.

N.S.Shekhawat J. (Oral)

1. The petitioner/complainant has filed the present petition under Section 482 Cr.P.C with a prayer to set aside the order dated 09.09.2019 (Annexure P-6), passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhari in Sessions Case No. SC-04-2015, titled as, "*State Vs. Moti Ram & Others*", arising out of FIR No. 14, dated 15.02.2015 (Annexure P/1) registered at Police Station Sadar, Jagadhri, District: Yamuna Nagar for offences punishable under Sections 307, 323, 148, 149 and 120-B of the Indian Penal Code, 1860 and under Sections 25, 54 and 59 of the Arms Act, 1959 whereby, the application moved by the petitioner-complainant under Sections 294 and 311 of Cr.P.C, 1973 read with Sections 32 (2) and 67 of the Indian



Evidence Act was ordered to be dismissed.

2. Learned senior counsel appearing on behalf of petitioner has vehemently argued that the FIR No. 14, dated 15.02.2015 (Annexure P-1) registered at Police Station Sadar, Jagadhri, District Yamuna Nagar punishable under Sections 307, 323, 148, 149 and 120-B of the Indian Penal Code, 1860 and under Sections 25, 54 and 59 of the Arms Act, 1959, at the instance of the present petitioner. Vide order dated 21.12.2015, charge under Sections 307, 323, 452, 120-B r/w Sections 148 and 149 of IPC and Sections 25 & 27 of Arms Act was ordered to be framed against the accused in the present case. He further submits that during the pendency of the trial, ASI Randeep Singh, who had investigated the case, passed away on 16.11.2016 and by that date, he had not been examined as a witness. Consequently, the petitioner moved an application under Sections 294 and 311 of Cr.P.C., read with Sections 32 (2) and 67 of the Evidence Act with a prayer to re-call either Constable Balwan Singh (PW-14) or EASI Nasib Singh (PW-6) for further examination in order to prove the signatures and handwriting of ASI Randeep Singh, in respect of investigation conducted by him. The said application was allowed by the Trial Court vide order dated 12.06.2019 and Constable Balwan Singh (PW-14) was re-called and he proved the investigation carried by ASI Randeep Singh, however, certain other crucial documents pertaining to the investigation conducted by ASI Randeep Singh could not be exhibited. Consequently, the petitioner moved another application (Annexure P-5) with a prayer to re-call Constable Balwan Singh (PW-14) to prove the following five more documents:-

(i) police proceedings dated 05-02-2015 carried out by ASI Randeep Singh,



since deceased on statement of complainant Ranmeet Batra Ex. P-38, (ii) rough site plan dated 05-02-2015 prepared by said ASI Randeep Singh deceased, (iii) application dated 04-02-2015 moved to Medical Officer, Civil Hospital, Jagadhri by ASI Randeep Singh since deceased, (iv) application dated 04.02.2015 moved to M.O. Waryam Singh Hospital, Yamuna Nagar, (v) crime detail form dated 05-02-2015. However, vide the impugned order (Annexure P-6), the Trial Court had dismissed the said application illegally. Learned counsel further submits that the Trial Court had completely overlooked the provisions of Section 47 of the Evidence Act and wrongly held that the documents in question cannot be proved and exhibited at the instance of Constable Balwan Singh (PW-14). He further contends that even the application under Section 311 Cr.P.C was wrongly dismissed and Constable Balwan Singh (PW-14) was competent to prove the documents prepared by ASI Randeep Singh, since deceased in his own handwriting as Constable Balwan Singh (PW-14) was well acquainted with his signatures and handwriting as both of them had worked closely. Still further, grave prejudice has been caused to the prosecution in the present case as the crucial documents were not taken on record by the Trial Court.

3. On the other hand learned counsel for the respondents have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 25 prosecution witnesses have been examined and now, again the present application has been moved with a view to delay the trial before the Trial Court. Moreover, Constable Balwan Singh (PW-14) has already been re-called and these documents could not be allowed to be place on record



to fill up lacuna left by the petitioner in the present case.

4. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

5. In the present case, the application (Annexure P-5) moved by the petitioner/complainant was dismissed by the Trial Court by observing that by examining PW-14 Constable Balwan Singh, the aforesaid documents can only be marked and not exhibited as he was neither the witness to the aforesaid documents/proceedings nor was the scribe of the same nor remained associated with the I.O at the time of preparation of these documents. Thus, PW-14 Constable Balwan Singh was not capable to prove the contents of the aforesaid documents prepared during the investigation. However, I do not agree with the findings recorded by the Trial Court in this regard as the Trial Court had overlooked the mandatory provisions of Section 47 of the Evidence Act. Section 47 of the Evidence Act has been reproduced below:-

47.Opinion as to handwriting, when relevant.-

“When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.-

A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have



been habitually submitted to him”.

6. Consequently, keeping in view the provisions of Section 47 of the Evidence Act, PW-14 Constable Balwan Singh, even though he had not signed as a witness nor he had prepared the said documents, still, he could prove the handwriting and signatures in question and could exhibit the documents as he was acquainted with the handwriting and signatures of maker of the document and had been closely associated with the I.O of the present case.

7. Still further, the Trial Court wrongly held that the documents in question could only be marked and not exhibited on account of objections to his admissibility. In fact, the said observation is apparently wrong and unsustainable. In fact, in view of provisions contained in Sections 32 (2), 67 & 47 of the Evidence Act, Constable Balwan Singh could have exhibited the documents in question as he was acquainted with handwriting and signatures of ASI, Randeep Singh, I.O of the present case. However, it is all equally settled that learned defence counsel would always be allowed to raise objections with regard to admissibility of the documents. In case, any such objection is raised, in respect of any document exhibited by PW-14 Constable Balwan Singh, the admissibility of such a document shall be tested at the time of delivering final verdict by the Trial Court.

8. As a sequel to the aforesaid discussion, the present petition is allowed and the Trial Court is directed to re-call/re-examine PW-14 Constable Balwan Singh to prove the documents mentioned in the application (Annexure P-5), in accordance with the provisions of Evidence Act. However, the respondents would be at liberty to raise objection with regard to



admissibility/proof of such documents and the objections, if any, raised by the respondents would be decided by the Trial Court, in accordance with law.

29.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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