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(2018) 04 P&H CK 0031

High Court Of Punjab And Haryana At Chandigarh

Case No: CRR-381-2018 (O&M)

Pardeep

APPELLANT

Vs

State of Haryana

RESPONDENT

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Date of Decision: April 3, 2018

Hon'ble Judges: Sudhir Mittal, J

Bench: Single Bench

Final Decision: Dismissed

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Judgement

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved of order dated 20.01.2018 (Annexure P-1), whereby his application for getting his thumb impression compared with the thumb impression existing on customer application form of mobile No.8572846306, Ex.D5 and Ex.D6, has been rejected.

The incident took place on 10.10.2015. Deceased, namely, Sandeep was running a Gym and his dead body was recovered from Sector-7, Green Belt, Karnal. At the time of the incident, the deceased was supposedly driving a Swift car of red colour. This car was recovered on 20.10.2015 and the petitioner was the person driving the said car. Hence, his involvement with the case in hand.

During the course of investigation, it transpires that the deceased had received a call from mobile No.8572846306, which allegedly belongs to the petitioner.

After completion of evidence, the case was fixed for arguments on 18.09.2017 and thereafter, it was posted for 28.09.2017, 13.10.2017,

03.11.2017, 17.11.2017, 04.12.2017 and 22.12.2017 for arguments. However, instead of arguing the case, application was filed on 22.12.2017 with

a request for comparison of the thumb impression of the petitioner with the thumb impression existing on the customer application form, Ex.D5 and

Ex.D6. This application has been rejected vide impugned order.

Learned counsel for the petitioner has contended that the comparison of the thumb impression would conclusively show whether mobile No.

8572846306 was applied for by the petitioner. The contention further is that during the cross-examination of the investigating officer i.e. PW-14,

suggestions were given to the witness that mobile No. 8572846306 does not belong to the petitioner and therefore, it was essential to get the thumb

impressions compared.

The argument raised on behalf of the petitioner is not acceptable to me for the reason that the same appears to be an afterthought. The matter was

fixed for arguments on seven consecutive dates and only thereafter, the present application was moved. In case, the matter was of such an

essential nature, the application in this regard would have been moved at the appropriate stage. The learned trial Court thus, cannot be faulted for

rejecting the application.

In view of the above, the petition has no merit and is dismissed.