

State versus Mahinder Singh

Present:- Shri Gurpreet Singh APP for the State.
Accused Jugraj Singh on bail with counsel Shri G.S Brar,
Advocate.
Accused Karnail Singh on bail with counsel Shri APS Bhullar
Advocate.
Proceedings against accused Mahinder Singh abated vide order
dated 16.09.2023.

ORDER :

This order of mine shall dispose of an application filed by prosecution under Section 91 Cr.P.C to place on record and prove medical record of deceased father of complainant on the ground that PW1 Balwinder Singh complainant has alleged that on 06.02.1997, accused persons got executed one vasika no. 6765 dated 06.02.1997 in favour of Veena Gupta wife of Pankaj Bansal on behalf of his father Tara Singh fraudulently as on that day, his father was suffered from paralysis and he took his father to Dr. Parveen Aggarwal as well as one Vaid Mann Hospital and complainant is in possession of the prescription of the said date regarding treatment of his father and in order to substantiate the allegations raised by the complainant, it is necessary to place on record and prove the said record dated 06.02.1997. The complainant has also handed over the said documents to police, but the same could not be attached with the report under Section 173 Cr.P.C due to inadvertence and complainant has also mentioned regarding the said documents in his statement. Hence, the present application.

2. In reply to the application, learned defence counsel has stated that PW1 Balwinder Singh had changed his version time and again to falsely implicate the accused in the present case and as per his version in the application moved to SSP Moga, nothing has mentioned in the present

application figures rather it has been mentioned that due to sudden death of his son, the accused had taken the bonafide but on the other hand, as per his statement under Section 161 Cr.P.C, he mentioned regard some Vain/Desi Doctor, whereas in the application in hand, he mentioned about Dr. Parveen Aggarwal, which clearly shows that the witness is making up a story to falsely implicate the accused and there is nothing on record till date to prove that the complainant has ever handed over any such documents to the police as mentioned by in the present application.

3. I have heard the rival contentions of learned APP for the State as well as learned defence counsel and have gone through the judicial file.

4. Vide this present application PW1 Balwinder Singh, complainant wants to put one prescription dated 06.02.1997 related to his father regarding the fact that his father was suffering from paralysis and went to Dr. Parveen Aggarwal on the said date and he also went to one Vaid Mann Hospital. He produced on record copies of those prescriptions, but these prescriptions cannot be proved by the complainant himself and the persons, who executed the same should have been named in the list of witnesses in the present application. Moreover, the authenticity of these prescriptions cannot be prima facie admitted at this stage, as no OPD register of Dr. Parveen Aggarwal and alleged Vaid Mann Hospital has been placed on record along with the present application. Hence, present application being devoid of any merit, is hereby dismissed.

5. No PW is present. PW1 Balwinder Singh failed to appear in the Court despite bound down. As such, he be summoned by way of bailable warrants in the sum of ₹ 5,000/- each with one surety in the like amount for 19.09.2024. Bailable warrants issued in the name of PW2 ASI Ajit Singh received back served, but he has not turned up in the Court Now, his bailable warrants be again issued

for date fixed. Non bailable warrants issued against Pws cited at Sr. No. 3 to 5 as per list of witnesses received back unserved. Fresh be issued for date fixed.

Date of order:-22.08.2024
(Ravneet Kaur Stenographer Grade-II)

(Shilpi Gupta), PCS,
Chief Judicial Magistrate,
Moga / (UID No.PB0315)