



CRM-M-14617-2022

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

CRM-M No.14617 of 2022

Date of decision: 07.05.2025

Jai Chand

... Petitioner

Versus

State of Punjab and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. Rishab Garg, Advocate for respondent No.2.

H. S. GREWAL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 23.03.2022 passed by learned Judicial Magistrate Ist Class, Ludhiana in case No. CrI.32/1 dated 25.08.2009 (CRM 35347 of 2013) titled "Arjun Dawar Vs. Jai Chand" under Section 340 Cr.P.C. whereby application under Section 65 of the Evidence Act for leading secondary evidence by way of plans attached with sale deeds, has been dismissed.

2. Learned counsel for the petitioner submits that as per statement of Jang Singh, Record Keeper of the office of Sub Registrar (East), Ludhiana, before the trial Court, the record was spoiled due to water logging and all the records concerned with *wasika* numbers 613, 614, 615, 616 dated 19.05.1977 and *wasika* No.280 dated 26.04.1978, have been spoiled. This fact is also reiterated in the statement of Clerk of the office of Sub Registrar concerned,



namely Chetan Khanna in the connected civil suit. Therefore, it is an admitted fact that the record has been spoiled and is not legible.

3. I have heard learned counsel for the parties at length.

4. After going through the facts of the case as well as considering the fact that the original sale deeds and plans detailed above retained in the office of Sub Registrar, Ludhiana (East) could not be produced in this case, as the same have been destroyed.

5. Keeping in view the facts and circumstances of the present case and limited prayer made by the counsel for the petitioner, the present petition is **allowed** and the impugned order dated 23.03.2022 passed by the trial Court, is set aside to the extent that the petitioner is permitted to lead secondary evidence to prove photostat copies of the plans attached with the sale deeds as mentioned above.

(H.S.GREWAL))
JUDGE

07.05.2025

Sonia Puri

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No