



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39052-2025
Date of decision :16.09.2025

LAKHAN PAL BADJATAYA

... Petitioner

Versus

RENU KAPOOR

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Isha Goyal, Advocate
for the petitioner (through V.C.).

Mr. Kunal Dawar, Advocate
for the respondent.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the order dated 16.05.2025 (Annexure P-7) passed by the JMIC, Gurugram in Case NACT No.8835 of 2020 dated 19.03.2020 titled as '*Renu Kapoor Vs. Lakhan Lal Badjataya*' whereby the application filed by the petitioner seeking permission from the Court to conduct voice sampling of the complainant on account of a voice recording of the complainant presented in Court having been put to the complainant in cross-examination has been dismissed.

On 24.07.2025, the following order was passed:-

"The Counsel for the petitioner submits that during the course of cross examination of the complainant Mrs. Renu Kapoor an audio clip was played in the court wherein she was asked to identify her voice, if it was hers. She stated that the audio clip did not contain her voice. Thereafter an application was moved for her voice sampling on

25.07.2023 which application came to be dismissed vide impugned order dated 16.05.2025 (Annexure P-7).

It is the contention of the learned counsel for the petitioner that not only the accused but the complainant as well can be asked to give his/her voice sample and it would not amount to violation of the Right against Self Incrimination under Article 20(3) of Constitution . She further contends that if even as per Section 349 of BNSS any person can be asked to provide his voice sample. Reliance is placed on the judgment of this Court in Shyam Singh Vs. State of Punjab CRR-3236-2014 Decided on 01.09.2023.

Notice of motion for 25.08.2025.

In the meantime, further proceedings before the Trial Court shall remain stayed.

To be taken up in the urgent list.”

The learned counsel for the respondent-complainant at the very outset submits that the complainant has no objection in providing her voice samples in accordance with law.

In view of the above, the order 16.05.2025 (Annexure P-7) passed by the JMIC, Gurugram is quashed. The respondent-complainant shall provide her samples as per procedure prescribed by law and the sample shall then be sent to a Government approved forensic science laboratory for a report in that regard which report shall be then presented before the Trial Court for further proceedings.

(JASJIT SINGH BEDI)
JUDGE

16.09.2025
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No