

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CNR No: PHHC011178132025
2026:PHHC:130768



CRM-M-42121-2025 (O&M)

Amarjit Singh ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	10.09.2026
2	The date when the judgment is pronounced	15.09.2026
3	The date when the judgment is uploaded on the website	15.09.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Ahluwalia, Senior Advocate with
Ms. Bhavi Kapur, Advocate,
Mr. Gaurav Jain, Advocate and
Mr. Sidhanth Thukral, Advocate
for the petitioner.

Mr. Akashdeep Singh, Special Public Prosecutor
for the respondent-CBI.

Mr. R. S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate
for the complainant.

MANISHA BATRA, J.

1. The petitioner has invoked the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of order dated 28.05.2025, passed by the Court of learned Special

Judge, CBI, Punjab, SAS Nagar, Mohali, in case titled “***CBI versus Baldev Singh and others***”, arising out of FIR No. RC-6(S)/94 dated 12.09.1994, registered at Police Station SPE/CBI/SIU-V/SIC-II, New Delhi, under Sections 302, 364, 218, 120-B and 34 of IPC. By the impugned order, the application moved by the petitioner for bringing on record the status report dated 11.12.1995 submitted by the CBI before the Hon’ble Supreme Court was dismissed. The petitioner has also prayed that the proceedings arising out of the aforesaid FIR and final report be kept in abeyance during the pendency of the present petition and for passing any other appropriate order in his favour.

2. As discernible from the record, vide order dated 30.08.1994 passed in Criminal Writ Petitions No. 214 of 1994, 220 of 1994, 240 of 1994 and 241 of 1994, the Hon’ble Supreme Court had entrusted to the CBI, the matter relating to the alleged detention and subsequent killing of four persons by the Punjab Police on 25.01.1994. The four persons were Balwinder Singh alias Bajju, Balwinder Singh alias Kala, Harjinder Singh alias Rana and Saroop Singh alias Suba. The said persons were alleged to have been taken into custody from different places in District Gurdaspur on different dates between 03.01.1994 and 17.01.1994 by SI Pritam Singh, SHO, Police Station Kahnuwan and other police officials, and were thereafter allegedly killed in a fake encounter. As per the further allegations, in relation to the alleged encounter, FIR No. 19 dated 25.01.1994 had already been registered at Police Station Dhariwal, District Gurdaspur, under Sections 307 and 34 of the IPC, Section 25 of the Arms Act, Sections 3, 4 and 5 of the Explosive Act and

Section 4 of the TADA Act. On the basis of the facts and circumstances recorded in the FIR, a regular case was registered for offences punishable under Sections 120-B read with Sections 302, 364, 342 and 218 IPC and the investigation was entrusted to Shri Surinder Paul, DSP, CBI, SIC-II, New Delhi.

3. Pursuant to the registration of the case, investigation was conducted by the CBI. On completion of investigation, the CBI presented the charge-sheet on 31.05.1996 against 28 accused for offences under Sections 302, 364, 218, 120-B and 34 IPC. The case was thereafter committed to the Sessions Court on 19.11.1996 and charges were framed on 20.09.1997. The proceedings remained stayed by this Court from 06.04.2000. On 06.06.2012, this Court directed conducting day-to-day trial and conclusion of the trial within six months. The proceedings were thereafter stayed by the Hon'ble Supreme Court on 13.07.2012 and the said stay was vacated on 21.09.2016. The statement of PW-1 Puran Singh was recorded on 14.10.2016. Thereafter, on 24.11.2022, this Court directed the CBI Court to dispose of cases which were more than 20 years old before 31.03.2023. On 10.04.2023, this Court directed conclusion of the present trial by 31.08.2023, which period was subsequently extended by four months on 20.09.2023. The case is presently at the stage of prosecution evidence. PW-34, Shri Surinder Paul, the Investigating Officer, has been under cross-examination since July 2024.

4. During the course of trial, the petitioner moved an application dated 09.10.2024 seeking, inter alia, a copy of the status report dated 11.12.1995 submitted by the CBI before the Hon'ble Supreme Court, copies

of the remaining four CFSL reports and the draft note dated 26.03.1996 sent by Shri M.L. Sharma, DIG, CBI, to the Department of Home Affairs, Government of Punjab, for seeking sanction under Section 197 Cr.P.C. The petitioner stated that the status report had been referred to in the statement of PW-34 and that the said documents were required for his cross-examination. The learned trial Court, vide order dated 04.12.2024, declined the prayer regarding the status report. Feeling aggrieved, the petitioner approached this Court by way of **CRM-M-7310-2025**. The said petition was disposed of on 07.02.2025 by remanding the matter to the learned trial Court for fresh consideration of the petitioner's application strictly in accordance with law.

5. Pursuant to the aforesaid order, the petitioner moved an application dated 19.02.2025 seeking fresh consideration of his earlier application. The CBI filed its reply dated 21.05.2025. The learned trial Court thereafter considered the matter afresh and, vide order dated 28.05.2025, again declined the prayer for bringing the status report dated 11.12.1995 on record. The learned trial Court noticed that the status report had been submitted by the CBI before the Hon'ble Supreme Court and that it was neither part of the relied upon documents nor part of the un-relied documents collected during investigation in the present case. Aggrieved thereof, the present petition has been filed.

6. It is argued by learned senior counsel for the petitioner that the impugned order is not sustainable in the eyes of law as the status report dated 11.12.1995 is directly connected with the present case and has been referred to by PW-34, Shri Surinder Paul, during his deposition. It is argued that the

petitioner seeks the document for the purpose of effectively cross-examining the Investigating Officer and that denial of the document affects his right to a fair trial guaranteed under Article 21 of the Constitution of India. The petitioner relies upon the deposition of PW-34, wherein he stated that his office had sent the status report to the Hon'ble Supreme Court but he did not remember the date and that he did not have a copy of the said report with the challan. Learned senior counsel further argued that the stand of the CBI is shifting. It is pointed out that on the one hand the CBI says that the status report is an internal document and is not required to be supplied, while on the other hand it says that a certified copy can be obtained from the Hon'ble Supreme Court. It is argued that once the report was prepared during the investigation and was placed before the Hon'ble Supreme Court in relation to the very matter which ultimately resulted in registration of the present FIR, it cannot be kept outside the reach of the accused when it is sought for the purpose of cross-examination.

7. Learned senior counsel has further argued that the Hon'ble Supreme Court in ***In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies in Criminal Trials v. The State of Andhra Pradesh and others, (2021) 10 SCC 598***, has recognised the obligation of the prosecution to disclose even material which has not been relied upon by the investigating agency. Reliance is also placed upon ***Manoj Kumar and others v. State of Madhya Pradesh, 2022(3) R.C.R. (Criminal) 447*** and ***Nithya Bhaktananda and another, 2018(1) R.C.R. (Criminal) 774***. It is argued that the right of the accused to a fair trial cannot be curtailed merely because the

trial is old or because production of the document may result in some delay. Learned senior counsel has also relied upon ***P. Ponnusamy v. State of Tamil Nadu, 2023(1) R.C.R. (Criminal) 307*** to argue that the learned trial Court has not correctly appreciated the principles relating to disclosure of documents at the stage of trial. It is argued that the status report has a bearing upon the case and its production would assist the petitioner in conducting the cross-examination of PW-34. It is, therefore, urged that the petition deserves to be allowed and the impugned order is liable to be aside, thereby permitting the status report to be brought on record.

8. Reply has been filed by the respondent-CBI. It is argued by learned Special Public Prosecutor that there is no illegality or infirmity in the impugned order. It is further argued that the status report dated 11.12.1995 is an internal document of the CBI and was submitted before the Hon'ble Supreme Court in compliance with its order dated 30.08.1994. The said report was neither attached with the original charge-sheet nor is it a part of the relied upon or un-relied documents of the present case. The four remaining CFSL reports, which were earlier sought by the petitioner, have already been supplied to the defence. It is argued that the draft note dated 26.03.1996 has no relevance for the cross-examination of PW-42, as the sanction under Section 197 Cr.P.C. has already been supplied to the accused. The present petition is intended to delay the trial, which has already remained pending for more than 30 years. It is submitted that all relevant material documents have already been supplied to the accused. It is also pointed out that the cross-examination of PW-34 on behalf of one of the accused has been completed,

while cross-examination by other counsel is still pending. Hence, it is argued that the petition is liable to be dismissed. To fortify his arguments, learned Special Public Prosecutor has relied upon ***Sarla Gupta and another v. Directorate of Enforcement, 2025 SCC Online 1063.***

9. This Court has heard the rival submissions of learned counsel for the parties.

10. The issue which arises for consideration in the present petition is narrow. The petitioner seeks production of the status report dated 11.12.1995, primarily on the ground that the same has been referred to by PW-34, the Investigating Officer, and is required for his cross-examination. The respondent-CBI, on the other hand, maintains that the said report was prepared and submitted before the Hon'ble Supreme Court pursuant to its order dated 30.08.1994. It was never made part of the charge-sheet and is neither a relied upon nor an un-relied upon document of the present case. Thus, the question which arises for consideration is whether, in the facts of the present case, the petitioner has made out a case for directing production of the status report dated 11.12.1995 at the stage when the prosecution evidence is still being recorded, particularly when the said document was not forwarded with the charge-sheet and is stated to be a report submitted by the CBI before the Hon'ble Supreme Court in separate proceedings?

11. The law relating to supply and production of documents at different stages of a criminal trial is now fairly well settled. In ***State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568 : 2004 SCC Online SC 1491***, the Hon'ble Supreme Court held that, at the stage of framing of charge, the Court

has to consider the record of the case and documents submitted therewith and the accused has no right to produce documents in his defence at that stage. At the same time, the judgment recognises that the power under Section 91 Cr.P.C. can be invoked for production of a document when the same is necessary or desirable for the purposes of the proceedings, with the stage of the proceedings being relevant for deciding such necessity or desirability. This principle has been noticed and explained by the Hon'ble Supreme Court in *Sarla Gupta's case (supra)*. The distinction between the right to receive documents and the right to seek production of documents is also important. Section 207 Cr.P.C. requires supply of the police report, FIR, statements and other documents forwarded to the Magistrate along with the police report. However, it does not provide that every document which may have come into the possession of the investigating agency must automatically be supplied to the accused. In *Assistant Collector of Customs, Bombay v. L.R. Melwani, (1969) 2 SCR 438 : 1968 SCC Online SC 161*, the Constitution Bench of Hon'ble Supreme Court also emphasised that the power to summon a document under Section 91 Cr.P.C. is discretionary and that the trial Court is required to examine whether its production is necessary or desirable. It was also cautioned that interference with such discretion should not be made except for good reasons, as unnecessary interference may impede the progress of the trial.

12. The position regarding supply of documents not relied upon by the prosecution has been clarified by the Hon'ble Supreme Court in *Criminal Trials Guidelines Regarding Inadequacies and Deficiencies, In Re v. State*

of Andhra Pradesh and others, (2021) 10 SCC 598 : 2021 SCC Online SC

329. The Hon'ble Supreme Court had directed that, along with the documents relied upon by the prosecution, a list of other statements, documents and material objects seized during investigation but not relied upon should also be furnished to the accused. The purpose of furnishing such a list is to enable the accused to know what material is available with the investigating agency and, if any such material is considered necessary for a proper and just trial, to seek its production at the appropriate stage. The said principle was reiterated in ***Manoj v. State of Madhya Pradesh, (2023) 2 SCC 353***. The aforesaid judgments, therefore, do recognise a right in the accused to seek production of material which has not been relied upon by the prosecution. However, such right is not an unqualified right to call for every document which the accused considers useful. The document must fall within the scheme of the Code and its production has to be considered having regard to the stage of the proceedings and the requirement of a fair trial.

13. In ***V.K. Sasikala v. State, (2012) 9 SCC 771 : 2012 SCC Online SC 799***, the Hon'ble Supreme Court, while relying upon ***Sidharth Vashisht alias Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1***, considered the right of the accused to seek access to unmarked and unexhibited documents even at a later stage of the trial. It was reiterated that the investigating agency as well as the Court have a duty to ensure a fair investigation and trial. At the same time, the right recognised therein was in relation to documents which were in the custody of the Court and had a bearing upon the case. The Court held that where the accused points out a specific difficulty in defending

himself with reference to the prosecution evidence and seeks access to relevant material, the Court has to examine the claim of prejudice rather than reject it merely on the ground of delay. However, the aforesaid principle cannot be read to mean that every document referred to by a witness or every paper prepared by the investigating agency must necessarily be placed before the accused irrespective of its nature and relevance. The duty of the prosecution is to act fairly and to bring relevant material before the Court. It does not dispense with the requirement that the accused seeking production of a document must show its relevance and necessity in the context of the proceedings. The judgment in *Nitya Dharmananda v. Gopal Sheelum Reddy, 2017 INSC 1201 : (2018) 2 SCC 93* also recognises the importance of disclosure of material which may have a bearing on the defence. However, the power of the Court to summon a document is to be exercised judicially. The Court has to examine the relevance of the material and the stage at which its production is sought. Similarly, *Om Prakash Sharma v. CBI, Delhi, (2000) 5 SCC 679 : 2000 SCC Online SC 776* reiterates that the power under Section 91 Cr.P.C. is discretionary and the Court must be satisfied that the document sought is necessary or desirable for the purposes of the proceedings.

14. The recent judgment of the Hon'ble Supreme Court in *Sarla Gupta's (supra)* brings the aforesaid principles together. The Hon'ble Supreme Court has specifically noticed the distinction between Section 91 Cr.P.C. and Sections 233 and 243 Cr.P.C. Under Section 91 Cr.P.C., the power of the Court is discretionary, whereas Sections 233(3) and 243(2) confer a stronger right upon the accused at the stage of entering upon defence.

At that stage, if the accused seeks production of a document or thing, the Court is required to issue the process unless, for reasons to be recorded, it finds that the application is made for vexation or delay or for defeating the ends of justice. In paragraph 42 of *Sarla Gupta's case (supra)*, the Hon'ble Supreme Court has specifically recognised the right of the accused to seek production of documents at the stage of entering upon defence. It has noticed Section 233(3) Cr.P.C., under which the Court is ordinarily required to issue process for production of a document unless the application is found to be for vexation or delay or for defeating the ends of justice. The Hon'ble Supreme Court thereafter, in paragraph 45, held that at the stage of entering upon defence, the accused can seek production even of a document which is in the custody of the prosecution but has not earlier been produced. This right flows from the right to a fair trial under Article 21. However, at the same time, *Sarla Gupta's case (supra)* makes it clear that the nature of the right depends upon the stage of the proceedings. In paragraph 49 of *Sarla Gupta's case (supra)*, the Hon'ble Supreme Court has reiterated that, at the stage of framing of charge, the accused is ordinarily not entitled to invoke Section 91 Cr.P.C. for production of documents not relied upon by the prosecution. For the purposes of his defence, the accused has a right to seek production of a document at the stage of leading defence evidence. Thus, the judgment does not lay down that an accused has an absolute right, at every stage of the trial, to compel production of every document which he claims to be relevant.

15. The aforesaid aspect is significant in the present case. The petitioner is presently seeking the status report during the course of

prosecution evidence, primarily to use it for cross-examination of PW-34. His substantive right to seek production of a document in support of his defence at the stage of entering upon defence is not being taken away. In fact, ***Sarla Gupta's case (supra)*** specifically recognises that, if a document is produced on the prayer of the accused at the stage of defence and the accused thereafter requires further cross-examination of a prosecution witness on the basis of that document, the witness can be recalled under Section 311 Cr.P.C. The right to effectively cross-examine is thereby protected. The present case, however, stands on a different footing for another important reason. The status report dated 11.12.1995 is not a document forming part of the charge-sheet of the present case. It was prepared by the CBI and submitted before the Hon'ble Supreme Court in compliance with the order dated 30.08.1994. The CBI has specifically stated that the report was never attached with the original charge-sheet and is neither a relied upon nor an un-relied upon document of the present case. It has also stated that a certified copy of the report can be obtained from the Hon'ble Supreme Court. Therefore, the submission of learned senior counsel that merely because the status report was prepared during the period when the present case was being investigated, the petitioner acquires an absolute right to have the same brought on record, cannot be accepted.

16. The mere fact that the Investigating Officer has referred to the report during his deposition also does not make the report a part of the charge-sheet or a document relied upon by the prosecution. What is relevant is the nature of the document, the proceedings in which it was prepared and

submitted, and its demonstrated relevance to the issues arising in the present trial. The reliance placed by the learned senior counsel upon the aforesaid authorities also does not advance the case of the petitioner beyond this point. Those decisions ensure that the accused is not kept unaware of material seized or collected during investigation and that he has an opportunity, at the appropriate stage, to seek production of such material. They do not lay down that a document which was never made part of the investigation record or charge-sheet of the particular case must automatically be summoned merely because the accused considers it useful for cross-examination. Likewise, the observations in *V.K. Sasikala's case (supra)* have to be understood in the facts of that case. There, the documents sought were unmarked and unexhibited documents available in the custody of the Court and the accused had shown a specific apprehension of prejudice in meeting the prosecution case. Here, the status report was submitted before the Hon'ble Supreme Court in a different proceeding and has not been shown to be a part of the record of the present trial.

17. This Court is also mindful of the observations in *Sarla Gupta's case (supra)* that the right to a fair trial includes the right to defend and that the accused can, at the appropriate stage, seek production of documents in the custody of the prosecution or a third party. However, the same judgment also makes it clear that the stronger statutory right under Section 233(3) Cr.P.C. operates at the stage of entering upon defence. It is not the case of the petitioner that his defence evidence has commenced or that he has been denied the statutory opportunity available to him at that stage.

18. There is yet another aspect which cannot be lost sight of. The present trial relates to an FIR of the year 1994. The charge-sheet was filed in the year 1996 and charges were framed in the year 1997. The trial has already remained pending for several decades and PW-34, the Investigating Officer, has been under cross-examination since July, 2024. In these circumstances, the Court is required to balance the right of the accused to a fair trial with the equally important requirement that the trial should reach its conclusion without avoidable interruptions.

19. The learned trial Court has considered the application afresh pursuant to the order passed by this Court in **CRM-M-7310-2025**. The earlier order of this Court dated 07.02.2025 had only remanded the matter for fresh consideration in accordance with law and had not directed production of the status report. On reconsideration, the learned trial Court found that the status report was not a part of the relied upon or un-relied documents of the present case and that its production was not necessary for the cross-examination of PW-34. This Court finds no reason to take a different view. The right to fair trial cannot be disputed, but fair trial does not mean that the accused can insist upon production of every document merely by asserting that it may assist him in cross-examination. The Court has to be satisfied about the necessity and relevance of the document in the context of the proceedings.

20. In the present case, the petitioner has not been able to demonstrate as to how the status report, which was submitted before the Hon'ble Supreme Court and was never made part of the charge-sheet in the present case, is necessary for a just decision of the case or for effectively

conducting the cross-examination of PW-34. It is also significant that the CBI has not withheld the four remaining CFSL reports. Those reports have already been supplied to the accused. As regards the status report, the CBI has taken a consistent stand before the trial Court that the same is an internal report submitted before the Hon'ble Supreme Court and is not part of the documents of the present case.

21. In view of the discussion as made above, this Court finds that the learned trial Court has exercised its discretion on relevant considerations and the impugned order does not suffer from any perversity, illegality or jurisdictional error warranting interference under Section 528 of BNSS. Accordingly, the present petition is dismissed.

22. Pending application(s), if any, shall stand disposed of.

15.09.2026

Waseem Ansari

Whether speaking/reasoned

Whether reportable

**(MANISHA BATRA)
JUDGE**

Yes/No

Yes/No