

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

CRM No.M-12828 of 2015

Date of decision: November 05, 2015

Onkar Singh @ Lalli

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Dr.Surya Prakash, Advocate  
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 482 Cr.P.C. for directing respondent No.1 to produce the original recording of the occurrence dated 27.02.2013 regarding which FIR No.34 dated 27.02.2013 under Sections 302, 307, 427, 506, 148, 149, 120-B, 201, 336, 465, 468, 478 IPC and Sections 25 and 27 of the Arms Act has been registered at Police Station Mataur, as the same was seized by respondent No.2 i.e. Investigating Officer from House No.283, Phase-3A, Mohali.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that this petition has been filed for giving direction to produce the original recording of the occurrence dated 27.02.2013 by stating that the same was seized by the Investigating Officer from House No.283, Phase-3A, Mohali. At the time of arguments, learned counsel for the petitioner has neither shown to this Court any cogent document/evidence nor placed on record affidavit of any person to show that owner of above-said house has handed over the recording of the occurrence to the Investigating Officer. Learned State counsel has stated that no such CCTV footage has been seized by the Investigating Officer during the investigation. When the Investigating Officer is denying the fact that CCTV footage has not been collected from the owner of house No.283, Phase-3A, Mohali and further there is nothing on the record to show that owner of above-said house is alleging that it was handed over to the Investigating Officer, then no direction can be given to the Investigating Officer to produce the recording of the occurrence. For giving direction to respondents, firstly, the petitioner is to prove or to show by cogent evidence that the occurrence was recorded in CCTV and secondly that footage was taken into police possession by the Investigating Officer during the investigation. There is no document on record to show that CCTV footage was taken into police possession by the Investigating Officer during the investigation.

Even, at the time of arguments, learned counsel for the petitioner argued that owner of the above-said house is not alleging

that he or any other family member handed over the recording of the occurrence to the Investigating Officer. Therefore, in view of the absence of any evidence that CCTV footage has been taken into police possession, direction to produce the recording cannot be given to the respondents as their version is that no such CCTV footage was taken into police possession. Hence, no relief to that extent can be granted.

Secondly, if there is any electronic evidence in the pen drive with the petitioner-accused, then he should have proved it by leading defence evidence that its contents are correct one and also had to prove the source of that information in the pen drive.

Further, from the record, I find that the petitioner has not challenged any order passed by the Court below regarding production of CCTV footage etc. At the time of arguments, learned counsel for the petitioner argued that an application was filed before the trial Court which was not allowed but the perusal of the head note of this petition as well as prayer clause, in no way, shows that any such order has been challenged in this petition.

In view of the above discussion, I do not find any merit in the present petition and the same is dismissed.

**November 05, 2015**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**