

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

CRM No. M-1414 of 2017 (O&M)

Date of Decision:08.05.2017

Sandeep Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.L. Singla, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.

CRM-15208-2017:

Application is allowed as prayed for. Copy of final investigation report dated 11.08.2015 is taken on record.

Application is disposed of.

Main case:

Pleadings on record would show that the petitioner herein is the complainant of FIR No.68 dated 15.07.2015, under Sections 451/341/506/34 IPC at Police Station Bilga, District Jalandhar. Allegations in a nutshell were in relation to an occurrence dated 26.03.2015 and wherein the petitioner who is stated to be running a shop in the Bazar at Village Bilga, Tehsil Phillaur was assaulted by the accused party.

Investigation was completed and the challan dated 11.08.2015 was duly filed. Charges have also been framed.

The instant petition has been filed under Section 482 Cr.P.C. aggrieved of an order dated 19.07.2016 passed by the learned Judicial Magistrate 1st Class, Phillaur, vide which the exhibition of a C.D. of the occurrence which had been produced by the complainant to the Investigating Agency and which forms a part and parcel of the final

investigation report was objected to by the counsel for the accused and such objection was ordered by the trial Court to be kept open till the final decision of the case. Further grievance raised is that the request of the Additional Public Prosecutor to play the C.D. attached with the judicial file and which had been handed to the police by the complainant regarding the occurrence has been declined on the ground that the C.D. in question is not accompanied by any certificate issued under Section 65(B) of the Indian Evidence Act as also on the ground that copy of the C.D. had not been supplied to the accused and as mandated under law.

Counsel having argued the matter at some length prays for withdrawal of the instant petition with liberty to the petitioner to file an appropriate application before the trial Court to seek permission for production of the requisite certificate mandated under Section 65(B) of the Indian Evidence Act.

Prayer is allowed. Petition is disposed of as withdrawn with liberty as prayed for.

It is, however, made clear that while disposing of the present petition and granting liberty to the petitioner as has been prayed for, this Court has not dealt with the case on merits. In the eventuality of any such application being moved as per liberty sought, the Court would deal with the same on merits and as warranted in accordance with law.

Disposed of.

08.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |