

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 417 of 2019 (O&M)

Date of Decision: 05.03.2019

Bhupinder Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Aman Chaudhary and Mr. Rajan Singh Dadwal, Advocates
for the petitioner(s).

Shekher Dhawan, J.

CRM-7403-2019

Application is allowed, as prayed for, subject to all just exceptions. Documents (Annexures P6 to P9) are taken on record.

CRR-417-2019

Petitioner, who is complainant in this case and his presence is required by the learned trial Court as prosecution witness in case FIR No. 52 dated 07.05.2013, registered under Sections 420, 506 & 120-B IPC and Section 12 of the Passport Act, 1967.

Learned counsel for the petitioner contended that earlier, process was being issued to procure presence of petitioner as well as his son and now statement of his son has already been completed by the learned trial Court. Petitioner is unable to come to India because of his kidney problem and the doctor has advised him complete rest for a period of five months.

However, petitioner is ready to get his statement recorded through video

conference. Meanwhile, process has been initiated to declare the petitioner as proclaimed offender on 05.02.2019.

Notice of motion.

On asking of the Court, Mr. Ajay Pal Singh, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1, whereas Mr.Dinesh Trehan, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney. A complete copy of paper-book be provided to them during the course of the day.

Taking into consideration all these facts, present petition stands allowed and order 05.02.2019 is set aside. Petitioner shall move an application showing his willingness to make his statement through video conference along with his medical certificate to show his inability and the learned trial Judge shall consider and decide as to why statement of petitioner cannot be recorded as prosecution witness through video conference. If need be, petitioner shall be at liberty to approach this Court.

(Shekher Dhawan)
Judge

March 05, 2019
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No