

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

123

**C.R.M No.8326 of 2019 in/and
C.R.M-M No.7312 of 2019
Date of Decision : 07.05.2019**

Sarabjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioner.

AJAY TEWARI, J. (ORAL)

C.R.M No.8326 of 2019

For the reasons recorded, the application is allowed. Document
Annexure P-7 is taken on record.

C.R.M-M No.7312 of 2019

This petition has been filed under Section 482 Cr.P.C. for
setting aside the order dated 30.05.2018 whereby the application moved by
the public prosecutor for proving a CD was allowed and against the order
dated 05.03.2019 whereby a revision petition filed by the petitioner has
been dismissed.

The allegations against the petitioner and his subordinates are
of custodial violence. In this connection the Bar Association, Zira had
moved a representation about the incident which had taken place in the

Bar complex on 24.04.2012 and this Court had taken it up on its own motion vide CWP No.11962 of 2012. During the hearing of the case, a CD was also shown to this Court and ultimately this Court had awarded damages to that person and had directed setting up of a Special Investigating Team (SIT). The SIT then filed a challan against the petitioner and his subordinates. During the hearing of that case, the public prosecutor moved an application for summoning the record keeper of this Court alongwith the record of CWP No.11962 of 2012, judicial inquiry report, CD and DVD and to summon Sh. Raman Kumar, PCS, the then SDJM, Zira alongwith his report dated 24.02.2012 as well as the report of the CJM who had conducted the judicial inquiry. In that application the prayer was also made that the said CD be permitted to be proved. The other records have already been proved.

That application having been allowed by the courts below, the present petition has been filed wherein objections have been taken only to the production of the CD. The primary ground raised by the learned counsel is that the representative of the Bar Association, Zira (which had moved the original representation before this Court) had earlier also moved a representation and in reply thereto the public prosecutor had supported the same yet the Court had declined the prayer and now the court could not have allowed the prayer only because the application had been moved by the public prosecutor.

In this context, it must be remembered that though the matter had been brought to the notice of this Court by the Bar Association, Zira, it cannot be said that they were the complainant. Once the said CD was

viewed by this Court it cannot be held that it is an irrelevant document and

therefore, the orders of the courts below suffer from no infirmity.

Consequently, the petition is dismissed. Since permitting its exhibition (subject to all other objections) cannot be termed to be illegal.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

May 07, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No