

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR No.1685 of 2022 (O&M)

DATE OF DECISION : 10th OCTOBER, 2023

Prem Chand

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Mohak Arora, Advocate for
Mr. Manish Soni, Advocate for the complainant.

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RAJBIR SEHRAWAT, J. (Oral)

1. This is the petition under Section 482 of the Code of Criminal Procedure filed by the petitioner/complainant for impugning the order dated 26.07.2022 passed by the Additional Sessions Judge, Gurugram vide which the application under Section 311 Cr.P.C. filed on behalf of complainant/petitioner for recalling PW1-Prem Chand himself for further re-examination-in-chief along with CCTV footage, as well as, certificate under Section 65-B of the Indian Evidence Act, has been dismissed.

2. The factual perspective, as involved in the case is that the petitioner had lodged two FIRs, i.e., FIR No.314 dated 13.12.2015 under Sections 302, 149, 148, 120-B IPC and 25 & 54 of the Arms Act, 1959 at Police Station Farrukh Nagar, District Gurugram and FIR No. 045 dated 23.02.2017 under Sections 307 & 34 IPC and 25 of the Arms Act at the same police station, relating to the alleged fight between the parties. In

these FIRs several persons are named as the accused, who allegedly, caused injuries to the petitioner. However, only two accused are common in both the FIRs. The petitioner had moved application before the Trial Court for permission to lead in evidence the CCTV footage, which related to the alleged incident regarding which the FIR No.045 dated 23.02.2017 was registered. The said application has been rejected by the court below. Hence, the present petition has been filed by the complainant/petitioner.

3. A perusal of the record shows that the petitioner is complainant in two FIRs pertaining to the incidents which had happened in the years 2015 and 2017, respectively. The alleged CCTV footage, even if taken to be a proved fact, relates only to the incident which is involved in the FIR registered in the year 2017. Therefore, there is no relevance of the alleged CCTV footage qua the alleged incident involved in FIR registered in the year 2015, qua which the application was filed. Beside this, the trial court has rightly observed that the prosecution, as such, is not even interested in leading this evidence in the trial court. The petitioner has moved the application even without concurrence of the Public Prosecutor. Moreover, the petitioner had an opportunity earlier as well, when he himself was appearing as a witness in this case. Therefore, in the considered opinion of this court the trial court has not committed any illegality, perversity or impropriety while rejecting the application filed by the petitioner.

4. In view of the above, finding no merit in the present petition the same is dismissed.

CRM-43225 & 43228 – 2023

These are the applications filed by the applicant-complainant under Section 482 Cr.P.C. for impleading the applicants as respondents No.2 to 7 to the present criminal revision and for taking on record the amended memo of parties.

In view of the fact that the main case itself has been dismissed, the present applications have been rendered infructuous.

The applications stand dismissed as such.

10th October, 2023 <i>‘raj’</i>	(RAJBIR SEHRAWAT) JUDGE	
<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>