

CRM-M-51179-2022

271 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51179-2022

Date of Decision: 05.02.2024

Shinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vijay Rana, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Mr. Deepak Gupta, Advocate,
for respondents No.2 to 6.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 12.08.2022 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Fatehgarh Sahib, District Fatehgarh Sahib, whereby an application filed under Section 311 Cr.P.C. at the instance of petitioner-complainant, stood dismissed.

2. In the present case, FIR No.65 dated 26.03.2021 was registered at the instance of petitioner-complainant against the private respondents, under Sections 323, 341, 506, 427, 148, 149 and 188 IPC, Police Station Fatehgarh Sahib, Tehsil and District Fatehgarh Sahib, with the allegations that the private respondents inflicted injuries upon the petitioner in the alleged incident dated 23.03.2021.

The order framing charges in the aforementioned FIR was passed by the Trial Court on 24.10.2022. The petitioner-injured (complainant)

appeared as PW-1 and in his examination-in-chief, he referred to providing of video clip of the incident in question to the Investigating Agency, however, the same was not found being part of the record.

Faced with this, an application under Section 311 Cr.P.C. was filed at the instance of prosecution on 21.03.2022, seeking permission to produce and prove on record the said video clip. The aforesaid prayer was opposed at the instance of private respondents and the same was finally declined by the Trial Court, vide order dated 12.08.2022.

3. Impugning the aforesaid order, learned counsel for the petitioner submits that the Trial Court has failed to take into consideration the facts and circumstances of the present case and the relevance of the evidence sought to be produce on record which goes to the root of the matter & would even enable the Court to do complete justice.

4. On the other hand, learned counsel representing the private respondents submits that the order dated 12.08.2022 passed by the Trial Court being well-reasoned, warrants no interference. He also submits that once no such footage/video clip was made part of the final investigation report, the prosecution cannot be permitted to produce/prove the same, at this stage.

5. I have heard learned counsel for the parties and gone through the paper book, I find substance in the submissions made on behalf of the petitioner.

6. Admittedly, any video clip relating to the incident in question would undoubtedly, subject to its proof is going to help the Court to arrive at a just conclusion and also to find out the real truth and thus, the application

filed on behalf of prosecution seeking permission to prove on record such video clip was required to be allowed, as declining of the said application would definitely cause serious prejudice to the rights of the petitioner-complainant.

7. In view of the above, the present petition is allowed and the order dated 12.08.2022, is hereby set aside. The prosecution-complainant is permitted to produce/prove on record the video clip of the incident in question before the Trial Court, which shall be considered and appreciated in the trial, subject to its proof in accordance with the provisions of Indian Evidence Act, 1872.

05.02.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no