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

CRM-M-59830-2024

Date of Decision:- 11.12.2024

Chandeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner Chandeep Singh through his Special Power of Attorney Holder Sukhdev Singh (father) filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 04.05.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Amritsar in FIR No. 110 dated 23.06.2019, under Section 307, 34, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Majitha, District Amritsar Rural (Annexure P-1), whereby application bearing No. CRM-2609-2023 (Annexure P-2) for recording of evidence of complainant through video conferencing has been dismissed without any valid reason and impugned order is illegal and unjust in the eyes of law and same may kindly be set aside and petitioner may be allowed to appear in aforesaid trial as witness through video conferencing or any other appropriate order or direction which the Court may deem fit and proper in the given facts and circumstances of case.

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2. Notice of motion to respondent No. 1, only.
3. On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of official respondent No. 1.
4. I have considered the arguments and have gone through the record carefully. Petitioner who is allegedly residing in New Zealand filed application through his father Sukhdev Singh to record his evidence through video conferencing. It was mentioned that Chandeeep Singh was currently residing in New Zealand. Accused are allegedly having links with Anti India Movement and they were regularly threatening family members of complainant. It is further alleged that there is positive apprehension that in case Chandeeep Singh comes to India for giving evidence, he will either be killed or roped in a false criminal case. Therefore, there was a request for recording of his statement through video conferencing. Said application was declined by passing impugned order dated 04.05.2024. I have gone through impugned order, where it is rightly pointed out that in application, no address of Chandeeep Singh of New Zealand is mentioned. Even copy of Passport of Chandeeep Singh is not annexed to confirm that he is actually residing in New Zealand. Learned counsel for petitioner is relying upon Chapter 1-H of Punjab and Haryana, High Court Rules and Orders Volume 5, regarding rules framed on video conferencing. However, it is conceded that while filing application for recording of his statement through video conferencing, neither said rules were referred nor application was moved as per prescribed performa. Even otherwise, it was the duty of learned trial Court to consider said rules while disposing of said application.

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In the light of this, impugned order dated 04.05.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Amritsar is set aside with liberty to petitioner to file fresh application for recording statement of Chandeeep Singh through video conferencing as per prescribed rules and trial Court will dispose of same by taking into account said rules on video conferencing.

5. With aforesaid direction, present petition is accordingly, disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

11.12.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No