

CRM-M-1403-2025

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110

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1403-2025

Decided on : 04.02.2025

Ranbir Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

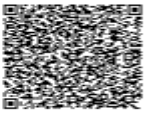
CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Ashutosh Sharma, Advocate
for the petitioner

KIRTI SINGH, J. (Oral)

Prayer in the instant petition filed under Section 528 of BNSS, 2023 is for setting aside the order dated 10.09.2024 (Annexure P-5) passed by the learned Additional Sessions Judge (Fast Track Court, Amritsar) vide which the application dated 19.08.2023 (Annexure P-4) filed by the present petitioner for recording his evidence through Video Conferencing in case FIR No.0029 dated 07.03.2018 registered under Sections 306/506 IPC at Police Station Sultanwind, District Amritsar has been dismissed.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is the complainant in the aforementioned FIR and after getting his statement recorded partly in April 2019, he went to USA in March 2023 in search of his livelihood and has been living there since then and, therefore is not in a position to come back to India. The petitioner moved an application (supra) before the learned trial Court for granting him permission to get himself examined as



CRM-M-1403-2025

2

prosecution witness through Video Conferencing, however, without examining the peculiar facts and circumstances of the case, the trial Court dismissed the said application of the petitioner vide impugned order dated 10.09.2024 (Annexure P-5).

3. Heard the learned counsel for the petitioner and perused the record of the file with his able assistance.

4. In view of the above and considering the aspect that the petitioner is residing in USA since 2023 and is not a position to come to India for getting his statement recorded, the petition is allowed.

5. The order dated 10.09.2024 passed by learned Additional Sessions Judge (Fast Track Court, Amritsar) is set aside and the petitioner is granted liberty to move an appropriate application for joining the trial through Video Conferencing. Learned trial Court shall decide the same in accordance with High Court Rules framed in this regard as well as the judgment rendered by Coordinate Bench of this Court in **Sukhmanjit Singh Dhindsa vs. State of Punjab and others 2024(1) R.C.R.(Criminal) 636.**

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

04.02.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No