



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. 56071 of 2025

Date of Decision: 17.11.2025

Manjinder Singh and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Amit Arora, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For quashing of order dated 15.09.2025, passed by the Court of learned Chief Judicial Magistrate, Tarn Taran, hereinafter being referred to as “the learned trial Court”, this petition has been filed by invoking jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. In nut-shell, the facts emerging from the record are that for the commission of offence punishable under Section 323, 325, 341, 506, 201 and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, a trial arising out of FIR No. 266 dated 01.09.2023, Police Station City, Tarn Taran, District Tarn Taran, Punjab, is taking place in the learned trial Court. The above mentioned FIR was lodged at the instance of Ashok Kumar and the petitioners are facing the above said trial as accused.

3. By virtue of present petition, it has been alleged by the petitioners that during the course of trial, the complainant moved an application under Section 348 of BNSS for permission to lead additional evidence. According to petitioners, by virtue of above mentioned application, the complainant, namely Ashok Kumar sought permission of the learned trial Court to place on record the video footage and photographs related to the occurrence. The grievance of the petitioners is that without looking into the fact that the above mentioned application was moved with an intention to fill up a lacuna in the prosecution evidence, and that the documents being sought to be produced by the complainant were not legally admissible in evidence, the learned trial Court has allowed the above mentioned application and permitted the complainant to produce the above mentioned documents on record, by virtue of the impugned order. According to petitioners, the above mentioned impugned order is against the settled principles of law. Hence, the present petition.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent, and waives service.

6. Heard.

7. It has been contended on behalf of petitioners that in the present case, the trial is being conducted by the learned trial Court in utter violation of the laid down procedure, and that without looking into the fact that by virtue of application under Section 348 of BNSS the complainant wants to fill up the lacuna, which is, otherwise, not permissible under the

law, the learned trial Court has allowed the complainant to place the video footage and photographs on record. It has also been contended by learned counsel for the petitioners that otherwise also, the above mentioned documents are not being produced from proper custody, and the requisite certificate, authenticating the above mentioned documents, has not been produced by the complainant and thus, the order of learned trial Court, i.e. the impugned order, whereby the complainant has been permitted to produce the above mentioned documents on record, is not sustainable in the eyes of law.

8. The learned State counsel has controverted the above mentioned arguments. It has been argued by the learned State counsel that the trial is still at the stage of prosecution evidence, and that the documents sought to be produced on record by the complainant are important piece of evidence, as the incident has been recorded in the CCTV camera and the footage of the same is sought to be produced on record. As per learned State counsel, the legality and admissibility of the above mentioned documents cannot be determined while dealing with the application under Section 348 of BNSS and therefore, the invoking of jurisdiction vested in the Court by virtue of Section 528 of BNSS, is unwarranted in this case.

9. In addition to above, the learned State counsel has also argued that in the present case, the order passed by the Court of learned Chief Judicial Magistrate has been straight away challenged by virtue of present petition, whereas the appropriate remedy available to the petitioners is to file a revision petition before the Court of Sessions. As per learned State counsel, since the remedy for redress of grievance of petitioners is provided

under the law, the extraordinary jurisdiction vested in this Court cannot be invoked.

10. The record has been perused carefully.

11. In the present case, at the very outset it is pertinent to mention here that by virtue of impugned order, the learned trial Court has permitted the complainant to place certain documents on record, i.e. the video footage and photographs of the incident. It has been claimed by the complainant that in the video footage and photographs, the incident has been recorded. It has also been claimed by the complainant that he had given the above mentioned documents to the Investigating Officer also, but the Investigating Officer having been under the influence of petitioners, has not collected the above mentioned evidence.

12. Taking into consideration the fact that the above mentioned evidence being sought to be produced by the complainant is important and relevant piece of evidence, which will help the learned trial Court in arriving at a right conclusion, it is hereby held that no illegality or infirmity has been committed by the learned trial Court in permitting the complainant to bring the above mentioned documents on record.

13. As far as the contention of learned counsel for the petitioners with regard to admissibility of the above mentioned documents is concerned, at this stage, when permission to produce the above mentioned documents has been accorded, the admissibility of the above mentioned documents cannot be looked into. The appreciation of above mentioned point can take place at the time of final adjudication of the trial.

14. Taking into consideration the above mentioned observations in

the present case, it is hereby held that there is no illegality or infirmity in the impugned order. Thus, it is hereby held that there is no scope for indulgence and interference in the impugned order.

15. As a sequel to above mentioned observations, it is hereby held that the present petition seeking for quashing of the above impugned order is devoid of merit and deserves dismissal. Thus, the present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

November 17, 2025
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No