



CRM-M-69212-2025

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

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CRM-M-69212-2025

Date of decision : 09.12.2025

Rakesh Yadav

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Ms. Mahima Yashpal Singla, Sr. DAG, Haryana.

AMARJOT BHATTI J. (ORAL)

1. Petitioner Rakesh Yadav filed petition under Section 528 of BNSS, 2023 seeking quashing of order dated 10.09.2025 (Annexure P-11) passed by learned Judicial Magistrate Ist Class, Gurugram in FIR No. 157 dated 05.07.2021 under Section 323, 34, 354, 354(B), 452, 506, 509 IPC and Section 325 IPC added later on and Section 354(B), 452 IPC deleted later on, registered at Police Station Udyog Vihar, District Gurugram, whereby application filed by petitioner seeking direction to provide CCTV footage alongwith repair bills having GST number and mobile number of firm 'KN Enterprises' has been wrongly dismissed by the trial Court or any other relief which the Court may deem fit in the given facts and circumstances of case.
2. Learned counsel for petitioner argued that Rakesh Yadav-petitioner is facing trial in aforesaid FIR No. 157 dated 05.07.2021 (supra) (Annexure P-1). A cross-version/DDR No. 44 dated 05.07.2021 has been registered against



opposite party on the statement of petitioner for causing injuries to him and co-accused Parveen, who has already expired on 06.09.2024. True translated copy of said DDR is Annexure P-2. It is pointed out that occurrence had taken place outside Sher-e-Punjab dhaba, owned by husband of respondent No. 2. It is a case of version and cross-version. Investigating Agency had sent various notices to Owner/Manager of Sher-e-Punjab dhaba to provide CCTV footage of the time and day of occurrence for the purpose of investigation, which are Annexures P-4 to P-6. Owner/husband of respondent No. 2 did not provide said CCTV footage of alleged occurrence. Finally, he submitted a Service Call Report which was taken into police possession vide recovery memo (Annexure P-7). Said Service Call Reports dated 10.06.2021 and 26.07.2021 are Annexure P-8. Said CCTV footage was material for final adjudication of case. Therefore, after presentation of challan, petitioner filed application seeking direction to Investigating Officer for providing record of CCTV footage alongwith repair bills having GST number and mobile number of firm 'KN Enterprises'. Application is Annexure P-9, which was contested by complainant by filing reply (Annexure P-10). Material record has been withheld from petitioner causing great prejudice to him. Without considering this, application was wrongly declined by learned Judicial Magistrate Ist Class, Gurugram by passing impugned order dated 10.09.2025 (Annexure P-11). It is prayed that aforesaid order may kindly be set aside and Investigating Agency may be directed to supply said CCTV footage alongwith repair bills and particulars of firm 'KN Enterprises'.

3. On advance notice, Ms. Mahima Yashpal Singla, Sr. DAG, Haryana appears on behalf of respondent No. 1-State of Haryana. Factual



position referred above is not disputed. It is pointed out that at present challan is already presented and case is pending for consideration of charge.

4. Considering the matter in controversy, no purpose would be served by giving notice to private respondent No. 2.

5. I have considered the aforesaid factual position. After completion of investigation, challan is already presented. At present, case is pending for arguments on framing of charges. On presentation of challan, all supporting documents must have been provided to petitioner as provided under the provisions of Section 207 Cr.P.C. (now Section 230 of BNSS, 2023). At this stage, petitioner cannot seek direction that Investigating Agency may provide a record which is not taken into police possession during investigation. As per prosecution, CCTV cameras were not in working condition and same were got repaired from KN Enterprises. In the light of this, it is not possible to give any direction to Investigating Agency to handover any such record to petitioner. Petitioner is at liberty to cross-examine the Investigating Officer on this aspect of case, and he can also lead evidence in defence to prove his own version.

In the light of aforesaid factual position, learned Judicial Magistrate Ist Class, Gurugram rightly rejected the application filed by petitioner by passing well-reasoned order dated 10.09.2025 (Annexure P-11) and same is, accordingly, upheld and present petition filed by petitioner is, accordingly, dismissed.

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

(AMARJOT BHATTI)
JUDGE

09.12.2025
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