

CRM-M-31896-2026

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

181(2)

CRM-M-31896-2026

Date of decision 29.05.2026.

HIRDEYPAL SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

..... RESPONDENTS

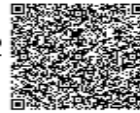
CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Gursher Singh Dhillon, Advocate,
Mr. Suvir Sidhu, Advocate,
Mr. Harlove Singh Rajput, Advocate,
Ms. Sakshi Goel, Advocate,
for the petitioner.

SURYA PARTAP SINGH. J.

1. This is a petition under Section 528 of the 'Bharatiya Nagarik Suraksha Sanhita, 2023', hereinafter being referred to as "BNSS". The order dated 12.05.2026 passed the Court of learned Additional Sessions Judge, hereinafter being referred to as trial Court, has been impugned by virtue of present petition. The petitioner is seeking quashing of above-mentioned order.

2. In nut-shell the facts emerging from record are that a trial for the commission of offence punishable under Sections 307, 379, 323, 324, 452, 506, 148, 149 and Sections 25, 27 of Arms Act, vide FIR No.194 dated 20.08.2017 Police Station Sadar Ludhiana, is in progress before the learned trial Court.

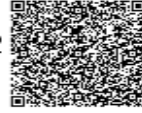


During the course of trial, vide impugned order, the learned trial Court has permitted the prosecution witness, namely 'Mandeep Singh', to get his statement recorded through video conferencing facility. The petitioner is aggrieved of the above-mentioned facility/concession, accorded to the witness 'Mandeep Singh'.

3. Heard.

4. It has been contended by learned counsel for the petitioner that for the commission of serious nature of offence, which includes the offence of attempt to commit murder and the Arms Act, the petitioner is facing trial before the learned trial Court, and that in the above-mentioned case 'Mandeep Singh' son of 'Sukhwinder Singh' is one of the material witness. According to learned counsel for the petitioner, the above-named witness is wanted in some other case, and that he is an absconder. As per learned counsel for the petitioner in the present case, by virtue of impugned order, the learned trial Court has permitted the above-mentioned witness to get his statement recorded through video conferencing facility and thus the learned trial Court had made it easy for him to continue to be an absconder.

5. The learned counsel for the petitioner has further contended that if the above-mentioned facility is made available to the above-named witness, it will certainly prejudice the cause of the petitioner and his right to defend will suffer a set back, because recording of statement through video conference mode, will create a situation wherein proper cross-examination of the above-named witness will not possible. According to learned counsel for the petitioner, otherwise also, the body language, demeanor and facial expression of a witness are relevant factors to be noted during the course of examination, and

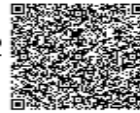


that recording of statement of witness through video conferencing, will deprive the petitioner of above-mentioned opportunity. As per learned counsel for the petitioner, if proper opportunity of defending himself is not afforded to the petitioner, who is facing the above-mentioned trial as accused, it is bound to result into miscarriage of justice. Hence, the present petition seeking for intervention in the impugned order, by exercising the extraordinary jurisdiction vested in this Court.

6. The record has been perused carefully.

7. With regard to instant petition, at the very out-set it is relevant to mention here that video conferencing facility is one of the most innovative tool, which is being used by the courts nowadays throughout the country, and the above-mentioned innovation has not only reduced the footfall in the Court premises, but also brought efficiency in the working of various organs of the state, including the judicial system. By incurring lot of expenses, the above-mentioned facility has been created for the purpose of making it easy for the litigants, including the witnesses and Advocates etc., to participate in the Court proceedings without being physically present in the Court room. This discretion lies with the trial Court, to permit a witness to get his statement recorded either through video conference mode or by physical appearance in the Court. In the instant case the exercise of above-mentioned discretion, the learned trial Court has afforded opportunity to the above-named witness to get his examination recorded through video conferencing facility. The exercise of above-mentioned discretion is neither illegal nor perverse or violative of any statutory mandate.

8. In the present case the only grouse, which has been raised by the petitioner against the above-mentioned order is that, that due to non-appearance



of witness, physically, in the Court, the right of cross-examination would suffer adversely. However, this Court find no force in the above-mentioned contention as through video conference facility, also, the question to be asked by learned defence counsel would be the same, which are supposed to be answered by the witness while present, physically, in the Court. Thus, it is hereby observed that on this ground, any scope for indulgence in the impugned order is not made out

9. The another plea raised by learned counsel for the petitioner is that, that the witness, who has sought permission for recording of his statement through video conferencing mode, is wanted in some other case, and that in other case, he is an absconder. In my opinion the above-mentioned ground, too, does not lead to a conclusion that the witness, who is not an absconder in case in hand, should be denied the facility of recording of his statement through video conferencing made. Otherwise, also such objection can be raised by the state only.

10. Taking into consideration the above-mentioned facts and circumstances, once a discretion has been exercised by the learned trial Court and the above-mentioned discretion is neither perverse nor contrary to the provisions of law, it is hereby held that there is no scope for interference in the above-mentioned order. Thus, it is hereby held that the present petition is devoid of merits and deserves dismissal. The same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

29.05.2026.

vipin Whether speaking/reasoned : Yes
Whether Reportable : No