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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64489-2025 (O&M)

Date of Decision:- 16.02.2026

Ghanaiya Ram @ Kanhaiya Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Ms. Kusum Raj, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Ghanaiya Ram @ Kanhaiya Singh filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside impugned order dated 13.10.2025 (Annexure P-5) vide which application filed by petitioner for recording statement of concerned doctor from Francispur Hospital, Parsia, Rasra, District Balia, Uttar Pradesh through Video Conferencing in the trial in FIR No. 211 dated 19.06.2018 under Section 363, 366, 376 IPC (later on added Section 6 of POCSO Act) registered at Police Station Sahnewal, Ludhiana (Annexure P-1) has been wrongly rejected.

2. Learned counsel for petitioner argued that petitioner is accused facing trial in FIR No. 211 dated 19.06.2018 (supra). Said FIR has been lodged by complainant, who is father of alleged victim by levelling baseless allegations. Copy of aforesaid FIR is Annexure P-1. On completion of investigation, supplementary challan (Annexure P-2) was presented in Court. At present, trial is pending for defence evidence.



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Petitioner/accused filed application (Annexure P-4) to record statement of doctor from Francispur Hospital, Parsia, Rasra, District Balia, Uttar Pradesh, who is now 80 years of age through Video Conferencing pertaining to date of birth record of victim. Without considering the aforesaid factual position, learned trial Court wrongly declined application by passing impugned order dated 13.10.2025 (Annexure P-5). There was no reason to decline the request of petitioner/accused for recording statement of doctor through Video Conferencing. Impugned order dated 13.10.2025 (Annexure P-5) is without any justification. Therefore, same is liable to be set aside by accepting present petition.

3. Petition is opposed by learned counsel representing State of Punjab. It is pointed out that witness is required to be examined in Court, who is to bring record and further cross-examined by Public Prosecutor. Order dated 13.10.2025 passed by learned Additional Sessions Judge (Fast Track Special Court), Ludhiana does not require any interference. Therefore, petition filed by petitioner deserves dismissal.

Factual position is clear from the documents on record. Therefore, no purpose would be served by issuing notice to respondents No. 2 and 3.

4. I have considered the arguments and have gone through the record carefully. Petitioner/accused wants to examine doctor from Francispur Hospital in order to prove birth record of victim and for that purpose, he wants to examine doctor through Video Conferencing. I have gone through the contents of impugned order dated 13.10.2025 (Annexure P-5). Learned Additional Sessions Judge (Fast Track Special Court), Ludhiana while deciding application rightly appreciated the factual

position. Record is to be produced by concerned witness for the first time and he is to be cross-examined by Public Prosecutor. In such like situation, it is not feasible to record the statement of witness through Video Conferencing. Secondly, doctor who is allegedly 80 years of age is not required to be examined to prove the concerned record. Any authorized person on behalf of hospital can appear in Court and bring the record in order to prove the same. All these aspects of case were rightly considered by learned trial Court. Under these circumstances, I do not find any reason to interfere with well-reasoned order dated 13.10.2025 passed by learned Additional Sessions Judge (Fast Track Special Court), Ludhiana (Annexure P-5) and same is, accordingly upheld and petition filed by petitioner is, accordingly dismissed, being without merits.

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

16.02.2026

(AMARJOT BHATTI)
JUDGE

lalit

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No