

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

**CRM No.M-7866 of 2018 (O&M)
Date of Decision: September 11, 2018**

Sahab Rajinder Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Duhan, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of order dated 03.02.2018 passed by learned Addl. Sessions Judge, Jind, in case FIR No.2 of 2018 under Sections 7, 13 of the Prevention of Corruption Act, registered at Police Station Vigilance Karnal, vide which application dated 03.02.2018 filed by the petitioner for directing the Bank Manager, Syndicate Bank, Safidon, to preserve the CCTV footage was disposed of.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, an application was filed by the petitioner before the Court below for directing the Manager, Syndicate Bank, Safidon, to preserve the CCTV footage dated 29.01.2018 for the purpose of producing the same before the Court in evidence. It is stated in the application that as per version of prosecution, the alleged occurrence was happened on 29.01.2018 in the premises of Syndicate Bank, Safidon Branch and alleged incident is saved in the memory of CCTV camera footage of said Bank. It is further stated that in fact, a false incident has been shown on papers. It is requested in the application that CCTV footage of the premises of Syndicate Bank is necessary and if no direction is given to preserve the CCTV footage on 29.01.2018 from 2.00 p.m. to 5.00 p.m., then injustice will be caused to the petitioner.

Learned Addl. Sessions Judge, Jind, vide impugned order dated 03.02.2018, disposed of the application by stating that it will amount to interference in the investigation.

First of all, I find that the impugned order dated 03.02.2018 passed by learned Addl. Sessions Judge, Jind, is not as per law. If the direction is given, as prayed for by the petitioner, then in no way, it will interfere in the investigation. The petitioner is only requesting for preserving the CCTV footage, which he wants to produce in the Court at later stage in the evidence and if that CCTV footage is not preserved, then prejudice will be caused to the petitioner and he will not be able to prove his defence and to show his innocence and if this application is accepted, then no prejudice will be caused to the opposite party. When the petitioner will

opportunity to cross-examine the witnesses.

In view of the above discussion, I find that impugned order dated 03.02.2018 passed by learned Addl. Sessions Judge, Jind, is not as per law and the same is set aside. Finding merit in the present petition, the same is accepted and the application filed by the petitioner for preserving CCTV footage stands allowed.

The Manager, Syndicate Bank, Safidon Branch, is directed to preserve the CCTV footage of 29.01.2018 from 2.00 p.m. to 5.00 p.m., if it is still available with the bank. Registry is directed to send a copy of this order to the Manager, Syndicate Bank, Safidon Branch, for compliance.

September 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No