

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

107

(PROCEEDINGS THROUGH V.C.)

CRM-M-29517-2020

DATE OF DECISION: SEPTEMBER 24, 2020

Kulwinder Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that a frivolous and false case has been foisted upon the petitioner as he was picked up on 08.07.2020 at around 01.00 P.M. from Sidhu Filling Station at Manawala falling within District Amritsar, where he had gone for refueling his motorcycle. Allegation has been made with regard to picking up of the petitioner by respondent No.5, ASI Rajpal Sharma, Police Station Lopoke, Amritsar. To support this contention, he has placed reliance upon the CCTV footage of abovesaid petrol pump, which has been placed on record in the form of a compact disk (CD) as Annexure P-2. FIR No.153 dated 09.07.2020 has been registered against the petitioner under Sections 22/61/85 of the NDPS Act, 1985 by falsely implicating him by showing recovery of 3000 intoxicating tablets. He asserts that the other three persons

are not known to the petitioner. Petitioner has also submitted CCTV footage of Police Station Lopoke, District Amritsar and Kakkar Police Chowki, which would clearly establish the factum of the petitioner being taken there on 08.07.2020 and it is subsequently that FIR No.153 dated 09.07.2020 has been registered. Petitioner has submitted a representation dated 09.09.2020 (Annexure P-5) to the Senior Superintendent of Police, Amritsar (Rural) as well as the Director General of Police, Punjab, but till date no further steps have been taken.

Counsel for the petitioner submits that CCTV footage of the Sidhu Filling station, Manawala, District Amritsar as well as CCTV footage of Police Station Lopoke and Police Chowki Kakkar have to be preserved for 8th and 9th of July, 2020 so that the assertion of the petitioner can be substantiated/verified.

Notice of motion.

On the asking of the Court, Mr.B.S.Sewak, Additional Advocate General, Punjab, accepts notice.

Considering the submissions made by counsel for the petitioner and without commenting on the merits of the case, the present petition is disposed of with a direction to the Senior Superintendent of Police, Amritsar (Rural)-respondent No.3 to consider the representation dated 09.09.2020 (Annexure P-5) as submitted by the petitioner and take appropriate steps in accordance with law at an early date preferably within a period of ten days from today. The Senior Superintendent of Police, Amritsar (Rural)-respondent No.3 shall also personally look into the matter and ensure that CCTV footage of the Sidhu Filling station, Manawala, District Amritsar as well as CCTV footage of Police Station Lopoke and

Police Chowki Kakkar be preserved so that the factual aspect with regard to the allegations made by the petitioner are properly looked into. If some substance is found in the abovesaid representation of the petitioner, appropriate action should be taken in accordance with law within a further period of one week.

September 24, 2020
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No