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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 1041/2020

HARISH KUMAR

..... Petitioner

Through : Mr.Ravi Drall, Advocate.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through : Ms.Richa Kapoor, ASC for State with
SI Garvit.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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10.07.2020

1. The hearing has been conducted through Video Conferencing.

Crl.M.A.No.9030/2020

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

W.P.(CRL) 1041/2020

4. This writ petition is filed by the petitioner with the following
reliefs:-

*"a. Pass appropriate direction/order to call the preserved CCTV
footage dated 21/05/2020 and 26/05/2020, and/or*

*b. Pass appropriate direction/order to the Respondent to peruse
the entrance CCTV footage dated 26/05/2020 of DIU at 1st Floor,
Malviya Nagar PS from 12 PM to 5 PM in presence of family
member or Counsel before DCP South in the above noted case,
and/or*

*c. Pass appropriate direction/order seeking detailed reply from IO
SI Kamal Kishor for his submissions before Ld. CMM on Dt:
09/06/2020 as to why and on what basics he stated that all
the CCTV cameras not working in PS Neb Sarai, PS Tigri, PS
Malviya Nagar, and/or*

*d. Pass appropriate direction/order seeking detailed reply from
DCP South as to why the CCTV cameras were not working since
Dt: 06/02/2020 or what measures, action, DD entry in regard to
same taken, and/or*

*e. Pass appropriate direction/order seeking detailed reply from
DCP South as to why Tigri Police station have CCTV cameras but
not recording facility, and/or*

*f. Pass appropriate direction/order calling register making entry
for accused/witnesses called through notices U.S: 160 CrPC, 41*

CrPC, and/or

g. Pass any other order(s) as this Hon'ble court may deem fit and proper under the facts and circumstances of the case."

5. The learned counsel for the petitioner submits the petitioner has received the notices to join the investigation, per pages No.24-25 of the paperbook and that he had joined the investigation at the office of DIU, Malivya Nagar on 21.05.2020 and 26.05.2020 and remained there for about three hours on each occasion. The petitioner has asked the learned CMM for preservation of the CCTV Footage of DIU, Malviya Nagar. Such preservation order was passed on 29.06.2020.

6. Now, the petitioner intends to inspect the CCTV footage. The learned ASC for the State has raised apprehension that by showing the CCTV coverage, the identity of the witnesses may be revealed to the petitioner and there are instances where the petitioner had attempted to influence the witnesses, hence CCTV coverage cannot be shown to him as the matter is still under investigation.

7. The learned ASC for the State refers to an order dated 02.07.2020 passed in Bail Application No.1442/2020 of this petitioner himself, wherein this Court *inter alia* notes:-

"5. According to the status report, the inquiries revealed that the deceased was harassed and was subjected to extortion by the local MLA of the constituency and the petitioner. It was alleged that the deceased was engaged in the business of supplying water tankers to DJB. It is alleged that the petitioner in conspiracy with the local MLA had devised that the contracts for tankers awarded to the petitioner are terminated. It is alleged that this was to enable the petitioner to garner a larger share of business with the DJB. The deceased had not paid the amounts as demanded and the petitioner in conspiracy with the named MLA had devised a method for ousting the deceased from his business. Based on the above, further investigation are being conducted.

6. The petitioner had filed an application seeking anticipatory bail (BAIL APPLN. 1173/2020) which was taken up by this Court on 09.06.2020. After the learned counsel had advanced substantial arguments, he sought to withdraw the said petition. However, he

stated that he, his minor child and his wife were under self-quarantine as his maternal aunt (Bua) had succumbed to COVID-19 and several of his other family members have tested positive for COVID-19.

7. He requested that the petitioner may not be arrested for two weeks, considering he had placed himself in self-quarantine. This Court accepted the said request at its face value and directed that the petitioner would not be arrested subject to him confining himself to his residence and not moving out except for procuring essential services.

8. A status report has now been filed which indicates that the petitioner misused the said order. It is stated that the CDR of his mobile number for the period 09.06.2020 to 22.06.2020 reveal that he was not present in his residence most of the times. He had also visited Ghaziabad and Gurugram during the said period. It is also alleged that during this period, he pressurized the key witnesses."

8. The above order indicate the petitioner had misused the concession given to him as his CDRs show he was not present at his residence most of the time and had allegedly pressurised the witnesses.

9. The learned ASC has also referred to an order dated 11.06.2020 passed by the learned Duty MM wherein an apprehension of the Investigating Officer qua revealing of identity of the witnesses at the investigation stage were found correct.

10. The learned ASC has informed the investigation is being conducted by DIU of Malviya Nagar and per directions of learned CMM, the preservation of CCTV footage has been done though the request of the petitioner to show such CCTV footage to him has since been declined vide orders dated 11.06.2020 and dated 04.07.2020 and if the petitioner had any grievance, he ought to have filed appeal against such orders. I agree considering the apprehensions raised.

11. Qua directions to the DCP etc to install the CCTV cameras at police stations, I am not inclined to interfere by converting this petition into a *Public Interest Litigation*.

12. The learned ASC for the State, however, informs the police stations of Tigri as well as Neb Sarai, presently, are in temporary make shift sheds and there is no lock up therein, as such no official CCTV are installed therein, though the tender for CCTV camera has already been issued.

13. In view of above, no relief can be granted by this Court. The petition is dismissed accordingly. No orders as to cost.

YOGESH KHANNA, J.

JULY 10, 2020

DU/M