

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

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**CRM-M-38895-2021
Date of Decision:21.09.2021**

MOHD. RASID @ MOHD. RASHID

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 03.09.2021 passed by the Special Court, Sangrur, Annexure P-4, in FIR No.88 dated 06.08.2021 registered for offence under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short - "the NDPS Act") at Police Station Sadar, Ahmedgarh, Annexure P-1.

Counsel for the petitioner submits that the petitioner has been falsely framed as an accused in the FIR, Annexure P-1. He submits that the petitioner, who is a student of B-Pharmacy and undergoing training at Zaved Medical Store, Eidgarh Road (Chungi) Chowk, Malerkotla, from where he was apprehended between 2.30-3.00 PM on 06.08.2021. The incident was captured in the CCTV cameras installed near the shop, which the police have taken in their possession. He submits that another accused, namely,

Manmohan Singh @ Monu, was apprehended from Gurudwara Sahib,

Kukian Wala, Khanna Road, Malerkotla, which is also apparent from the recording by CCTV cameras installed at the gate of Gurudwara Sahib, Kukian Wala, Khanna Road, Malerkotla. He submits that in order to establish his innocence, the CCTV footage deserves to be preserved, for which purpose he filed an application before the Special Court, but the same was rejected vide order, Annexure P-4, which is impugned herein.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of the respondents.

Heard.

Considering the nature of the allegations against the petitioner and his assertion that he is innocent, this Court deems it appropriate to set aside the impugned order passed by the trial court and a direction is issued to the respondents to preserve the CCTV footage from 12.00 pm to 04.00 pm of 06.08.2021 recorded from the Government cameras installed at Eidgarh Road (Chungi) Chowk, in front of Zaved Medical Store, Malerkotla, and footage of the CCTV installed at the gate of Gurudwara Sahib, Kukian Wala, Khanna Road, Malerkotla.

Petition is disposed of.

21.09.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No