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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45375-2024 (O&M)
Date of decision: 25.09.2024

Sandeep Dhankar
...Petitioner

Versus

Central Bureau of Investigation
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Deepak Sachdeva, Advocate
for CBI.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 528 of B.N.S.S., 2023 challenge is thrown to the order dated 22.08.2024 passed by learned Special Judge, CBI Court, Chandigarh, whereby the application for further investigation has been dismissed in case FIR No. RC0052023A0024 dated 08.08.2023, under Sections 120-B of IPC, and under Section 7 of the Prevention of Corruption Act, 1988, registered at Police Station CBI, ACB, Chandigarh.
2. The persual of the application, which is annexed with the petition as Annexure P-5, reflects that the only reasos assigned for seeking further investigation is that there are some CCTV camera(s) which are



installed outside the office of Executive Engineer, Electricity Operation Division No.1, Sector 17-E, Chandigarh, and the CCTV footage will prove the innocence of the present petitioner, in case the same is taken into custody, and brought on record by the CBI.

3. This Court has put a specific query to the learned counsel for the petitioner, as to whether, this CCTV footage, which the petitioner wants to rely upon, is a part of the final report filed by the CBI, or part of unrelieved documents which were taken in possession by the CBI. He fairly concedes that it is neither the part of the challan, or the unrelieved documents, however, he submits that he wants to bring this CCTV footage on record as additional evidence for the purpose of defence.

3. In view of the above submissions, this Court is of the view that the application is in fact a misconceived motion. In case, the petitioner is of the belief that the CCTV footage of a certain place may prove his innocence, he would be at liberty to file an appropriate application(s) for bringing on record such evidence, that too at an appropriate stage of the trial. Whether, this CCTV footage, would prove the innocence of the present petitioner, is a disputed question of facts, which is to be adjudicated by the learned trial Court concerned, at an appropriate stage of the trial.

4. Purely, on the basis of assumptions of the petitioner, that the CCTV footage may prove innocence of the petitioner, it cannot be considered as a valid ground for directing the further investigations. Therefore, the impugned order passed by the learned trial Court concerned suffers with no illegality, and thus, requires no interference.

5. The instant petition is **dismissed**.



6. However, the petitioner would be at liberty at an appropriate stage of trial, to make an appropriate motions, for bringing on record such evidence, which he believes to be relevant for his defence.

7. **Disposed of accordingly.**

25.09.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No