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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1234-2025 (O&M)
Date of decision: 27.02.2025

Manish Gill and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Kumar Rohilla, Advocate for
Mr. A.P.S. Chhibber, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India seeking direction to respondent No.2 to protect the life and liberty of the petitioners from the hands of respondents No.4 & 5 and further to preserve the CCTV footage of Police Station Special Cell, Jalandhar dated 15.01.2025 from 02.00 PM to 06.00 PM and also to preserve the tower location of mobile No.91151-05106, which is in illegal custody of respondents No.4 & 5 since 15.01.2025.
2. Learned State counsel, at the very outset, submits that the

petitioners have already approached this Court by filing a petition i.e. CRM-M-46677-2023 seeking transfer of investigation in FIR No.37 dated 01.05.2023 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.3, District Police Commissionerate Jalandhar to Director, Bureau of Investigation. Further, now the petitioner has sought preservation of CCTV footage of Police Station Special Cell, Jalandhar dated 15.01.2025 from 02.00 PM to 06.00 PM along with tower location of aforementioned mobile number. It is further submitted that earlier petition i.e. CRM-M-46677-2023 filed by petitioner No.1 stands dismissed as withdrawn on 17.02.2025, however, a direction was issued to the jurisdictional police authorities to make the entire evidence collected during the investigation as part of the final report, in pursuance of the direction issued by this Court on 19.09.2023 in the aforementioned petition.

3. Learned State counsel further submits that the petitioners have a remedy under Section 91 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [*now Section 94 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')*] to approach learned trial Court for redressal of the grievance raised in the present petition. Learned trial Court is fully empowered to examine the evidence by invoking the provisions of Section 91 of Cr.P.C. (*now Section 94 of BNSS*). The present petition has been filed merely to put pressure on the jurisdictional police authorities.

4. At this stage, learned counsel for the petitioners wishes to

withdraw the present petition and seeks liberty to approach learned trial Court by filing an appropriate application under Section 91 of Cr.P.C. (*now Section 94 of BNSS*).

5. Dismissed as withdrawn with liberty aforesaid.

27.02.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No