



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

CRM-M-17518-2025
Date of decision: 01.04.2025

Amit Joshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking setting aside of order dated 11.03.2025 Annexure P-2 passed by the Court of Additional Sessions Judge, Panchkula in criminal case having FIR No.26 dated 12.02.2025, under Section 20 of NDPS Act, registered at Police Station, Sector 20, Panchkula, vide which the application filed by the petitioner seeking preservation of CCTV footage of police station Chandi Mandir, Panchkula and tower location of the members of the raiding party and of the concerned police officials, has been dismissed.

2. The counsel for the petitioner submits that the petitioner is falsely implicated in the aforesaid criminal case at the instance of the concerned police officials. It is further submitted that the petitioner was illegally detained by the concerned police officials on 11.02.2025 in the evening from the inner market of Sector 19, Panchkula along with one another person namely Harman and he was tortured. That subsequently, his arrest was shown by the police on 12.02.2025 and contraband was planted on him. It is further submitted that the CCTV footage of police station Chandi Mandir for the period from 10.02.2025 to 13.02.2025 is vital in proving the fact that the petitioner was illegally detained in the said police



station by the police officials concerned on the night intervening between 11/12.02.2025. In the same manner, the tower location of the official mobile phones of members of raiding party and the concerned police officials namely Amit Rana, Kanwarpal, Parminder, Pardeep and Mr. Nehra who at that time were posted in Chandi Mandir are also required to be preserved in order to prove the illegal detention of the petitioner in the said police station, on the night intervening between 11/12.02.2025. The application filed by the petitioner to preserve the footage of CCTV cameras installed in police station Chandi Mandir and tower location of the concerned mobile phones as are detailed above is wrongly declined by the learned trial Court. In support of his contentions, the counsel for the petitioner has referred to decision of Hon'ble Supreme Court in ***Paramvir Singh Saini Vs. Baljeet Singh and others 2021 (1) SCC 184.***

3. Notice of motion.

4. Mr. Arjun Lakhanpal, Addl. A.G. Haryana, accepts notice on behalf of the State and submits that there is no illegality in the impugned order as the disclosure of tower locations of the official mobiles of the concerned police officials would infringe their privacy and confidentiality.

5. I have considered the submissions made by counsel for the parties.

6. The Hon'ble Supreme Court in ***Paramvir Singh Saini's case (supra)*** has observed that whenever there is information of force being used at the police station resulting in serious injury or custodial death, aggrieved person is free to complain for redressal of same to State Human Rights Commission or the Court concerned and such an aggrieved person has right to have secure footage of CCTV cameras installed in the police station.

7. In the light of the aforesaid settled position of law, the petitioner who is alleging that he was illegally detained and tortured by the police officials in police station Chandi Mandir on the night intervening between 11/12.02.2025 has got statutory right seeking directions to preserve the CCTV footage of the cameras installed in the police station Chandi Mandir, Panchkula.

8. In the instant case, as the tower locations of the official mobile



phones of the police officials concerned are only sought to be preserved and not disclosed, there is no question of infringement of privacy and confidentiality of the police officials concerned. The direction with regard to preservation of the relevant record regarding tower location of the concerned police officials as are detailed in the application will ensure that the relevant record is not lost due to automatic deletion and this will not cause any prejudice to the case of prosecution.

9. In the light of the above discussion, without expressing any opinion on the merits of the case, the present petition is allowed and the impugned order is set aside and necessary direction is given to the concerned authorities to preserve the footage captured in CCTV cameras installed in police station Chandi Mandir for the period from 09.02.2025 to 13.02.2025 and tower location of official mobile phones of the concerned police officials for the period between 11.02.2025 to 15.02.2025 and the said record is not to be auto deleted, without the prior permission of the Court concerned.

10. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion with regard to evidentiary value of the aforesaid record, which is to be determined by the trial Court at the relevant stage of the trial.

01.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No