



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

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COCP-2004-2021 (O&M)
Date of decision: 13.08.2025

Court on its own motion

...Petitioner

V/s

Inspector Sukhvir Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Abhimanyu Singh, Advocate with
Mr. Mudit Johar, Advocate, Amicus Curiae.

Mr. Gaurav Datta, Advocate, for the respondent
(through video conference).

VIKRAM AGGARWAL, J (ORAL)

The instant contempt petition arises out of a reference made by
Sh. Jagmilap Singh Khushdil, Civil Judge (Jr. Divn.)-cum-Judicial Magistrate
1st Class, Samrala on 25.02.2021.

2. The reference reads as under:-

“It is humbly submitted on the subject cited above that the above mentioned case titled as State vs Balwinder Singh, FIR No.70/2020 is pending in the court of undersigned. In the present case upon an application u/s 91 Cr.P.C filed by the applicant Bhupinder Singh, the court of the undersigned had vide order dated 09.07.2020 given specific directions to the then SHO PS Machhiwara Inspector Sukhvir Singh, Belt No.495/Fatehgarh Sahib for preserving the CCTV footage dated (27.06.2020-12:00AM-11.59 PM}/{28.06.2020-12:00 AM-11.59 PM) without making any addition and alternation to the same. However, the needful was not complied and accordingly an application for enforcement/contempt was filed on 21.09.2020. Accordingly show cause notices to previous SHO, Sukhvir Singh, Belt No.495/Fatehgarh Sahib dated 07.10.2020 and present SHO Rao Varinder Singh, Belt No.361/Khanna were issued and the same were duly replied. It is pertinent to mention that Inspector Sukhvir Singh was in charge w.e.f 21.12.19-17.08.2020 of PS Machhiwara and SI Rao Varinder assumed charge on 17.08.2020.

Thus in the present case, it is clear that Section 2 (b) of Contempt of Courts Act, 1971 has been invoked which states that Civil contempt means willful disobedience to any judgment, decree, direction, order, writ



or other process of a Court or willful breach of an undertaking given to a Court.

Further proviso to Section 12 of Contempt of Courts Act, 1971- states that no person shall be liable for such punishment if he proves that the contempt was committed without his knowledge or that he exercised of due diligence to prevent its commission.

In compliance of the directions issued by the Hon'ble Court in letter No.451/Spl/Rules/XXII.D.I(5-R) dated 08.12.2020 received from the office of Ld.District and Sessions Judge Ludhiana vide Endst No.1489/dt dated 10.12.2020 and without commenting upon the merits of the case, it prima facie appears that the above mentioned CCTV footage sought to be preserved was destroyed/corrupted during the tenure of Inspector Sukhvir Singh and the present SHO SI Rao Varinder Singh through different correspondences made efforts to retrieve the same during his tenure. This is for your kind perusal and necessary action.

Submitted please.”

3. Upon notice having been issued to the respondent vide order dated 05.10.2021, calling upon the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him, initially, a short reply by way of affidavit of S. Tarlochan Singh, Deputy Superintendent of Police, Sub-Division Samrala, Police District Khanna, was filed, stating that pursuant to orders passed by the Court, on an application having been made by the applicant for enforcement of the order dated 09.07.2020, show cause notices were issued to the respondent and SI Rao Varinder Singh. Not agreeing with their reply, efforts were made to retrieve the footage. Since the same could not be retrieved, the present contempt proceedings were initiated.

4. It has been stated in the reply that FIR in question i.e. FIR No.70, dated 28.06.2020 registered under Sections 379-B, 382, 323, 324, 341, 427, 148, 149, 188 IPC (Section 201 IPC was added later on and Sections 379-B, 148 and 149 IPC were deleted) at Police Station Machiwara, District Ludhiana has been quashed by this Court vide order dated 30.11.2022 (Annexure R-1). The reply also mentions that, it was the duty of the then SHO, Police Station



Machiwara i.e. respondent-Inspector Sukhvir Singh to comply with the orders of the Court, which he failed to do. As a result of the same, a show cause notice was issued to him for being negligent in performing his official duties. The reply further mentions that Inspector Sukhvir Singh has superannuated.

5. Today, affidavit of the respondent, retired Inspector Sukhvir Singh, Belt No.495/FGS has been filed in Court today, which is taken on record. In the said affidavit, the respondent has tendered an unconditional apology. It has also been submitted that the deponent is bedridden due to a compression fracture of L2 and other spinal comorbidities since 2023 and has thus prayed that a lenient view be taken.

6. I have considered the matter and have also heard learned counsel for the parties.

7. Keeping in view the fact that the FIR itself stands quashed as a result of which no injustice has been caused to any person on account of non-preservation of the CCTV footage and further keeping in view the fact that the respondent has retired and is bedridden coupled with the fact that he has tendered an unconditional apology for his act and conduct, I do not deem it appropriate to further proceed with the contempt proceedings.

8. Accordingly, while accepting the unconditional apology tendered by the respondent, the contempt proceedings are ordered to be dropped.

9. The contempt petition is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

August 13, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No