

2026:PHHC:018170



CRM-M-6162-2026 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(122-2)

Date of decision: 09.02.2026

(Through VC)

1) CRM-M-6162-2026 (O & M)

Jogindero Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

2) CRM-M-6623-2026 (O & M)

Gurcharan Singh Petitioner(s)

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kuldip Singh, Advocate,
for the petitioner(s) (in both the petitions).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions bearing No.CRM-M-6162-2026 preferred by the petitioner-Jogindero and CRM-M-6623-2026 by the petitioner-Gurcharan Singh as they arise out of the same FIR.

2. The prayer in the present petitions under Section 528 of BNSS, 2023 is for the issuance of directions to the State Level Oversight Committee (SLOC)-respondent No.2 and the District Level Oversight

2026:PHHC:018170



CRM-M-6162-2026 (O & M)

::2::

Committee (DLOC)-respondent No.5 constituted by the Hon'ble Supreme Court in SLP (Crl.) No.3543 of 2020 titled as 'Paramvir Singh Saini versus Baljit Singh another' and to respondents No.3 and 6 to preserve the CCTV footages on 01.12.2025 at 7.00 pm to 7.00 am till 03.12.2025 in all the cameras installed at tower backside of Future Heights Marya City Outlet, Kharar.

3. The learned counsel for the petitioners contends that both the accused, namely, Ajit Singh @ Happy son of Jogindero (petitioner in CRM-M-6162-2026) and Binder Singh son of Gurcharan Singh (petitioner in CRM-M-6623-2026) were shown to have been apprehended at about 1.40 pm on 02.12.2025 and recovery of 1 kg. 446 grams of heroin was shown to have been effected from them. However, the accused have been falsely implicated after having been kidnapped. He, therefore, prays that the directions be issued by this Court to the State Level Oversight Committee (SLOC)-respondent No.2 and the District Level Oversight Committee (DLOC)-respondent No.5 to preserve the CCTV footages as mentioned above.

4. I have heard the learned counsel for the petitioners.

5. Before proceeding further, it would be apposite to examine Section 94 of the BNSS which reads as under:-

94. (1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding

2026:PHHC:018170



CRM-M-6162-2026 (O & M)

::3::

under this Sanhita by or before such Court or officer, such Court or officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed—

(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891; or

(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.

6. Thus, it is apparent that any aggrieved party can move an appropriate application under Section 94 BNSS (Section 91 Cr.P.C.) for redressal of it's grievance.

7. In view of the above, the petitioners who are the parents of the arrested accused are at liberty to approach the Court concerned with an appropriate application under Section 94 of the BNSS Act seeking the preservation of the CCTV footage and if the said application is made within a period of one week from today, the same be decided within a period of one week thereafter.

8. Needless to say that the petitioners are at liberty to challenge any such order of the Court if aggrieved in view of judgments in ***Narendra Kumar Soni versus State of Rajasthan 2025(2) CriLR (Raj) 865 and***

2026:PHHC:018170



CRM-M-6162-2026 (O & M)

::4::

9. The present petitions are disposed of in the above terms.
10. The pending application(s), if any, shall stand disposed of accordingly.
11. A copy of this order be placed on the file of the connected petition.

February 09, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No