



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CRM-M-42969-2025 (O&M)
Date of decision: 27.03.2026

SURAJ RAI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Parminder Singh Sekhon, Senior Advocate with
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CRM-13421-2026

Application is allowed as prayed for and Annexures A-5 and
A-6 are taken on record.

CRM-M-42969-2025

1. The instant petition has been filed under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in
case bearing FIR No. 0032 dated 13.03.2025, registered under Section(s) 21
of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 27 of the
NDPS Act and Section 111(1), 111(2) of BNS, 2023 added later on) at
Police Station Urban Estate, Patiala.

2. Learned Counsel appearing on behalf of the petitioner contends that the FIR in the present case has been registered on the complaint of ASI Gurbinder Singh who stated to the effect that on 13.03.2025 he, along with other police officials, was on patrolling duty and in search for suspicious activities and persons. At about 1.45 PM, two persons were walking towards the police party but on seeing the police party, they immediately turned back and one of the said persons threw a black coloured polythene bag from his right hand, at the vacant place. The two persons were apprehended by the Police officials and on asking, the person who had thrown the polythene bag, disclosed his name as Harmanjot Singh @ Billa son of Major Singh. The second person accompanying him was the petitioner herein. From the black coloured polythene bag, 400 grams of Heroin was recovered and from the personal search of the petitioner herein, 300 grams of Heroin was recovered from the left pocket of his jeans. On the basis of the same, the present FIR had been registered.

3. Learned Senior Counsel appearing on behalf of the petitioner contends that the petitioner has been falsely implicated in the present case. He has no criminal antecedents and that in fact he alongwith his father run a small scale industry & manufacturing tractor spare parts unit at Plot E-24, Industrial Area, Focal Point, Chanalon, Kurali, Tehsil Kharar, District SAS Nagar, Mohali under the name & style of "M/S SAM Industries". On 12.03.2025, the petitioner was coming to his house from his work place on his Activa bearing registration No. PB-65-AR-5019. When he reached near Motiaz Enclave Residency, he was picked up by ASI Gurbinder Singh and a demand of Rs. 10 lakhs was made from him on a threat of false implication.

He conveyed that he could not pay the said amount and in fact paid a sum of

Rs. 1 lakh. It was in the said circumstances that the instant FIR was foisted upon the petitioner on the next day i.e. 13.03.2025. He contends that after the petitioner had been abducted on 12.03.2025 and his mobile got switched off at 9:45 PM in the area of village Kurali. It was only on the next day at 1.30 PM, the phone was switched on by the aforesaid police officials at the place of alleged recovery so as to establish the presence of the petitioner at the place of occurrence. He further contends that the aforesaid facts also stand corroborated from the fact that after the petitioner did not reach his home at the regular time, the family of the petitioner tried searching for him and finding his mobile phone switched off, his father approached Police Station City Kurali on 13.03.2025 at 7:00 AM and submitted a report regarding disappearance of his son. The moharar munshi, however, did not record the missing person report on the ground that an FIR is not registered unless a person has been missing for a period of more than 24 hours. He contends that the presence of the father of the petitioner at the premises of Police Station City Kurali in the early morning could be verified from the CCTV cameras installed there. It is submitted thereafter that the aforesaid ASI Gurbinder Singh also approached the father of the petitioner by calling him at Police Station-Urban Estate, Patiala and a sum of Rs. 10,00,000/- was demanded from him upon which a sum of Rs. 1 lakh was paid by him. Counsel contends that in order to substantiate his defence, an application No. 302-2025 was moved before the Additional Sessions Judge, Patiala to preserve the CCTV footage of the petitioner dated 12.03.2025 to establish that he had left the factory at around 9:30 PM on 12.03.2025 on his scooter. The said application was allowed vide order dated 29.03.2025 and Investigating Officer was directed to preserve the CCTV footage of the

factory of the petitioner and to produce the same as and when required by the Court. The petitioner had also moved application 303 -2025 before the Court to preserve the mobile record, call record, tower location of the petitioner's mobile from 12.03.2025 to 13.03.2025 since he has been falsely implicated. The Court took a serious note thereof and directed the preservation of the said tower location and call records in its order dated 29.03.2025 alongwith a separate order of even date for presentation of the CCTV footage. Counsel further contends that the police officials have in fact filed their response before the Additional Sessions Judge, Patiala in relation to submission of the report regarding preservation of CCTV footage on 03.10.2025, wherein it is submitted that the Police is still ascertaining from the CCTV cameras installed from Motia Chowk, Kurali to Kharar Road nearby Kurali as to whether they have been installed by any specific individual or by any authority. It is reported that after the verification and coordination with respect to the authorities, the report will be prepared and submitted. Counsel contends that despite lapse of 07 months of the earlier order having been passed, the Police has not undertaken any verification or collection of evidence and has not even furnished an undertaking. Counsel submits that the aforesaid time has been deliberately consumed by the Station House Officer with the Police Station Urban Estate, District Patiala to ensure that the CCTV footages are erased on account of over-writing and cannot be preserved, thus causing prejudice to the rights of the petitioner and to render the order of the Additional Sessions Judge unenforceable.

4. Counsel further contends that in relation to the second application for preservation of CCTV footage of the Police Station Urban Estate, Patiala, the Police has filed its reply and submitted therein that the

CCTV footage cannot be shared as it is likely to endanger the identity of different visitors to the Police Station and also that the details of their source/informers might also be disclosed. The Station House Officer, Police Station, Urban Estate, District Patiala has thus intimated that CCTV footage of the Police Station requested from 12.03.2025 to 13.03.2025 cannot be provided. The relevant para 12 thereof reads thus:-

“Keeping in view the security concerns, the CCTV footage of the police station requested from 12.03.2025, 10:00 PM to 13.03.2025, 10:00 PM, cannot be provided.”

5. Counsel contends that on receipt of the said report, the order dated 12th December, 2025 was passed and Police was directed to preserve the CCTV footage, however, the respondents have chosen still not to preserve the said CCTV footage.

6. Learned State Counsel also reiterates the submissions already noticed and contends that commercial recovery of 300 grams of Heroin had been effected from the petitioner herein while recovery of 400 grams of Heroin had been effected from the co-accused, hence, they were in joint possession of 700 grams and the recovery was also commercial. On a pointed query, it is not disputed that out of the 16 witnesses, none has been examined so far, she does not dispute that the petitioner has no other criminal antecedents.

7. Having heard learned counsel appearing on behalf of the respective parties, I am of the opinion that the petitioner has been able to make out an arguable case with respect to the mode and manner of his involvement and commenting thereupon any further may cause a prejudice

to the case set up by any of the parties. Hence, this Court refrains from commenting on the merits of the respective responses submitted. Further, the reply of State denying footage on the pretext of the eye-witnesses to be protected, to the Court, has also been examined.

8. Taking into consideration the aforesaid arguable issues raised by the petitioner, his clean antecedents, the period of custody already undergone coupled with the stage of trial, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

9. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

12. Before parting with this order, this Court takes notice of the reply filed by the Police officials before the Court refusing to furnish the CCTV footage to the Court, despite the Court asking for the same and notwithstanding the provisions of Section 94 of BNSS. The State Counsel has not been able to furnish any explanation as to why the evidence sought for by the Court was refused to be supplied to the Court and has not been produced. The mandate of installation of CCTV cameras, in pursuance to the directions issued by the Hon'ble Supreme Court in *Paramvir Singh Saini v.*

Baljit Singh, reported as (2021) 1 SCC 184, is aimed at ensuring fair

investigation and against false implication. Such brazen denial of the CCTV footage to the Court defeats the very object behind the directions issued by the Supreme Court. It thus amounts to a wilful disregard by the concerned Station House Officer, not only of the mandate of the Court but also of the object behind passing of the order by the Supreme Court. Besides, notwithstanding the order passed on 12.12.2025 by the Additional Sessions Judge, Patiala to produce the CCTV footage of the Police Station, there is no response or reply, even as on today, as to whether the CCTV footage has been preserved or not. It seems that the authorities have deliberately disregarded not only the judgment of the Supreme Court but also the orders passed which has the potential to erase the CCTV footage on account of overwriting. Consequently, before proceeding any further against the official(s), let a Show Cause be issued to the Senior Superintendent of Police, Patiala and also to the Station House Officer, Police Station Urban Estate, District Patiala as to whether the CCTV footage has been preserved or not and if not, why contempt proceedings be not initiated against them and why the penalty be not imposed.

13. Let an affidavit be filed by both the officers within a period of ten days from uploading of the order. In case, the needful is not done, the Senior Superintendent of Police, Patiala as well as the Station House Officer, Police Station Urban Estate, District Patiala shall remain present in person or by Video Conferencing, to explain the reasons for non-compliance.

MARCH 27, 2026

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No