



102

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

COCP-4745-2025 (O&M)

Date of Decision : 30.01.2026

RAMESH RANGA

.... Petitioner

VERSUS

SUNNY WALIA AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mayur Karkra, Advocate for the petitioner.

Mr. T.S. Grewal, Advocate for respondents No.1 and 3.

Ms. Ruchi Sekhri, Advocate for respondent No.2
assisted by ASI Rajesh Chauhan – respondent No.2.

Mr. Vishnav Gandhi, DAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present contempt petition has been filed under Section 12 of the Contempt of Courts Act, 1972 read with Article 226/227 of the Constitution of India for intentional, deliberate and wilful disobedience of the orders dated 24.07.2019 (Annexure P-5) and dated 30.10.2019 (Annexure P-9) passed by this Court in CRM-M-31294-2019.

2. Brief facts relevant to the present *lis* are that a FIR being FIR No.443 dated 21.12.2018 under Section 376 Indian Penal Code, 1860 and Section 4 Protection of Children from Sexual Offences Act, 2012 was registered against the petitioner at Police Station Zirakpur. During the pendency of the trial, it was alleged by the petitioner that when the case was

fixed for prosecution evidence before the Trial Court on 05.07.2019, the child witness was tutored to identify the petitioner in the Court room. It was further alleged that the entire incident was captured in the CCTV footage of camera No.D2C13 installed outside the Child Court Room in the corridor on 05.07.2019 between 11:30 am to 03:00 pm. It was further alleged that the petitioner moved an application on 12.07.2019 to preserve the said footage before the learned District and Sessions Judge, Mohali. The said application was declined by the learned District and Sessions Judge vide letter dated 16.07.2019 in view of the law laid down by the Hon'ble Supreme Court in the case of '*Pradyuman Bisht V/s Union of India*'. The petitioner thereafter filed a petition before this Court being CRM-M-31294-2019 seeking directions to preserve the CCTV footage. It is to be noted that neither the learned District and Sessions Judge nor the System Officer were a party to this petition. A copy of the said petition has been appended with the present contempt petition as Annexure P-4. A perusal of the same reveals that there was only one party which was impleaded i.e. State of Punjab. On 24.07.2019 notice of motion was issued and an order was passed in the above CRM-M directing the learned District and Sessions Judge to ensure that the concerned CCTV footage, till then, is preserved. On the said date i.e. 24.07.2019 only counsel for the petitioner had appeared in the above CRM-M. Even the presence of the State counsel is not recorded. An e-mail was sent to the learned District and Sessions Judge on 01.08.2019 by the Registry conveying the order dated 24.07.2019 passed by this Court in the above CRM-M. The matter thereafter was taken up on 30.10.2019. Strangely, when the matter was taken up on

30.10.2019 the learned State counsel, on instructions of one HC Rajesh Chauhan (now ASI), who has been impleaded as respondent No.2 herein, undertook that the CCTV footage detailed in the petition will not be destroyed, provided the same is there in the equipment as on date. The petition itself was to preserve the CCTV footage of the camera installed in the corridor in the Court Complex in SAS Nagar (Mohali). On 30.10.2019 the said CRM-M-31294-2019 was withdrawn.

3. On 12.09.2025 the present contempt petition was filed wherein on 15.01.2026 the following order was passed :

'In the present case, the petitioner herein had filed a petition being CRM-M-31294-2019 titled as "Ramesh Ranga Vs. State of Punjab" for preservation of CCTV footage dated 05.07.2019 pertaining to the corridor in the Court Complex in SAS Nagar (Mohali). On 24.07.2019 notice of motion was issued and the District and Sessions Judge was directed to ensure that the concerned CCTV footage is preserved.

It is apt to notice at this stage that the learned District and Sessions Judge was neither a party to the said petition nor was the System Officer impleaded as a party. There was also no order by the Court directing the Registry to communicate the said order to the concerned Court.

On 30.10.2019 learned State counsel, on instructions from HC Rajesh Chauhan, strangely made a statement before

the Writ Court that they would not destroy the CCTV footage, provided the same is there in the equipment on the date. The petition itself was for preservation of the CCTV footage of the camera installed in the corridor in the Court Complex in SAS Nagar (Mohali). Hence, it is not understandable as to in what capacity and under whose instructions HC Rajesh Chauhan made such a statement. Be that as it may, as per the reply filed on behalf of respondent No.3, the Company which has installed the CCTV Cameras has given a report that the CCTV footage is preserved only for about 9 to 10 days. It has further been stated that the order dated 24.07.2019 passed by the Writ Court was communicated to them vide an email dated 01.08.2019. A copy of the email has been appended as Annexure R-3/1. Immediately, the said letter was marked to the concerned personnel.

It is to be noticed that at this stage 10 days had already elapsed since the date qua which the CCTV footage has been sought is 05.07.2019.

Learned counsel for respondent No.3 has also brought to the notice of this Court that HC Rajesh Chauhan who had appeared before this Court and was instructing the State counsel has now appeared as a defense witness as DW5. In his statement he has stated that in CRM-M-31294-2019

notice was received by the Police Station and after receiving the notice he moved an application to the then learned Additional Sessions Judge, SAS Nagar (Mohali) which was marked to the Server Room, SAS Nagar (Mohali). Then he went to the Server Room and enquired about the CCTV footage which was available in the Server Computer Room.

On a query by the Court to learned counsel for respondent No.2 as to when the application was filed by HC Rajesh Chauhan (now ASI), learned counsel has candidly admitted that there is no such copy of the application available with her today.

At this stage, learned counsel for respondent No.3 has pointed out that there is no such application on the record as per the reports received which have been appended as Annexures R-3/5 and R-3/7.

Faced with the same, learned counsel for respondent No.2 seeks some time to place on record the certified copy of the said application. On her request, adjourned to 27.01.2026'.

The counsel for respondent No.2 was asked to place on record the application which had been filed before the learned District and Sessions Judge which according to HC Rajesh Chauhan (now ASI) was marked to the Server Room for preservation of the CCTV footage.

4. Today learned counsel for respondent No.2 states that though they have applied for a certified copy of the same, however, the same is reported not to be available on the file. She further states that there is a register maintained at the Police Station and she has a copy of that however the same has also not been shown to the Court today.

5. Today, on a query by the Court as to under what capacity and under whose instructions HC Rajesh Chauhan (now ASI) made the statement before this Court on 30.10.2019 qua preservation of the CCTV footage installed in the Court complex at District Court Mohali, learned counsel for respondent No.2, on instructions from HC Rajesh Chauhan (now ASI) who is present in Court, states that he had come to the Court to assist the State counsel. However, neither the counsel nor HC Rajesh Chauhan (now ASI) is able to answer as to under whose instructions such a statement was made by him before this Court. On 22.07.2025 DW5 HC Rajesh Chauhan (now ASI) appeared as a summoned witness before the Additional Sessions Judge-cum-Judge, Special Court, SAS Nagar, Mohali wherein he stated that after notice was received by the Police Station qua CRM-M-31294-2019 an application was moved before the learned District and Sessions Judge, SAS Nagar, Mohali which was marked to the Server Room, SAS Nagar, Mohali. It was further stated by him that he had gone to the server room and inquired about the CCTV footage which was available in the server computer and after verification and confirmation received from the server room, he made a statement before this Court on 30.10.2019. He further stated that he did not remember the name of the official of the server room who told him that CCTV

footage was available and whom he instructed to preserve the CCTV footage. He further stated that he is not in possession of the CCTV footage as the same was not provided to him by the official of the server room. In his cross-examination, HC Rajesh Chauhan (now ASI) has stated that he has not placed on record the copy of the DDR showing that he went to the official of the server room to verify the fact that CCTV footage has been preserved or not.

6. Reply has been filed on behalf of respondents No.1 and 3 wherein it has been stated that the CCTV footage sought was of 05.07.2019. The petition being CRM-M-31294-2019 was filed on 21.07.2019 and the order was passed by this Court on 24.07.2019. As per the report of Dhanda Enterprises, appended with the reply of respondent No.1 as Annexure R-1/2, it has been stated that three of the DVRs are in working condition and one is not. The said DVRs, as per the said report of Dhanda Enterprises, were installed in the year 2016-17 and till date their storage capacity is 9-10 days of camera recording. The recording of the CCTV footage on 05.07.2019 would have been preserved only till 15.07.2019. It is to be noted that the order passed by this Court was only communicated to the learned District and Sessions Judge via e-mail on 01.08.2019. It has further been stated on affidavit of respondent No.1 that the orders passed by this Court on 24.07.2019 were never conveyed orally or in writing by HC Rajesh Chauhan (now ASI) at any point of time and the CCTV footage was deleted automatically on the expiry of 10 days i.e. on 15.07.2019. The e-mail, which was sent from this Court, has been appended as R-3/1 along with the reply of respondent No.3. Along with the reply of respondent No.3 a letter dated 12.12.2025 has also been appended

as Annexure R-3/3 stating therein that no application was moved by HC Rajesh Chauhan (now ASI) for preserving the CCTV footage or for providing the same. Another letter dated 12.12.2025 (Annexure R-3/5) has been appended with the reply wherein it has been stated by the Ahlmad in the Court of Additional District and Sessions Judge, SAS Nagar that no application regarding providing of CCTV footage of 05.07.2019 was moved by HC Rajesh Chauhan (now ASI). Even in the order sheets/*zimni* orders there is no mention of any such application having been filed by HC Rajesh Chauhan (now ASI). All the order sheets/*zimni* orders have been appended with the reply as Annexure R-3/6.

7. Learned counsel for the petitioner would contend that HC Rajesh Chauhan (now ASI) had made a statement in Court on 30.10.2019 that the CCTV footage would not be destroyed hence it is a clear case of contempt.

8. At this point a query was put to the counsel for the petitioner as to whether the order dated 24.07.2019 passed by this Court was ever communicated by the counsel for the petitioner to the learned District and Sessions Judge concerned. The answer is in the negative.

9. Learned counsel for the petitioner would further contend that even a subsequent petition being CRM-M-10702-2020 was filed for allowing the petitioner to produce the preserved/reserved CCTV footage dated 05.07.2019 which petition was dismissed as withdrawn vide order dated 18.09.2024 (Annexure P-11).

10. Learned counsel appearing on behalf of respondents No.1 and 3 has contended that as is apparent from the replies filed by respondents No.1

and 3 and the report of Dhanda Enterprises, the CCTV footage of the DVRs which were installed in 2016-17 is preserved only for a period of 9-10 days and thereafter it automatically stands deleted. It is further the contention that till 01.08.2019, respondents No.1 and 3 were not even in the knowledge of the order dated 24.07.2019 passed by this Court. Learned counsel has further contended that the story as has been canvassed by HC Rajesh Chauhan (now ASI) is also belied from the record available in the District Court wherein no such application was ever filed by HC Rajesh Chauhan (now ASI) for preserving the CCTV footage post the passing of the order dated 24.07.2019. Learned counsel has further pointed to the statement of HC Rajesh Chauhan (now ASI) which has been recorded in the criminal case as DW-5 wherein he has stated in his cross-examination that he had not placed any copy of the DDR showing that he had gone to the officials of the server room to verify that the CCTV footage has been preserved or not. Learned counsel for respondents No.1 and 3 is at pains to state that HC Rajesh Chauhan (now ASI) had no authority in law to have made such a statement before this Court. On 30.10.2019 there were no instructions issued by the learned District and Sessions Judge or any other person authorized by the learned District and Sessions Judge to appear in Court and make this statement. However, HC Rajesh Chauhan (now ASI) still appeared on 30.10.2019 and made a statement that the State undertakes not to destroy the CCTV footage provided the same is there in the equipment as on date. Learned counsel has further pointed that the CCTV cameras are installed in the District Court Complex at SAS Nagar and are under the direct control and supervision of the learned District and

Sessions Judge and as such HC Rajesh Chauhan (now ASI) had no authority and infact no instructions to make such a statement.

11. At this stage, learned counsel for respondent No.2 – HC Rajesh Chauhan (now ASI) – tenders unqualified apology for having made a statement before this Court on 30.10.2019 without any instructions and without any authority. Learned counsel further states that every officer comes to Court to assist the State counsel and in that capacity such a statement was made by HC Rajesh Chauhan (now ASI) and it was stated by HC Rajesh Chauhan (now ASI) that the CCTV footage would not be damaged if it was there in the equipment as on date. Learned counsel further, on instructions from HC Rajesh Chauhan (now ASI), states that after notice of motion was issued on 24.07.2019, in order to file reply before this Court in CRM-M-31294-2019, he had visited the Court premises and inquired about the CCTV footage.

12. Learned counsel for the petitioner, respondents No.1 and 3 and the State counsel submit that no reply was filed by the State in CRM-M-31294-2019 and hence it would be seen that the statement made by the counsel on the instructions from HC Rajesh Chauhan (now ASI) is totally belied from the records. Even today the counsel though had stated that an application had been filed by HC Rajesh Chauhan (now ASI) for preserving the CCTV footage which had also been stated by him before the trial on 22.07.2025 however, till date no such application has been shown to the Court or brought on the record. Though earlier today when the matter was being heard a statement was made by the counsel for respondent No.2 that a copy of the

register was available with her wherein an entry had been made qua his visit to the Court premises however at this stage when the counsel was asked to show the copy of the register, the counsel for respondent No.2 on instructions from HC Rajesh Chauhan (now ASI) states that there is no such copy available. The copy available with HC Rajesh Chauhan (now ASI) is only the diary of the *Parvi* Officer in which the entries are made by the *Parvi* Officer himself. Even the entry made by the *Parvi* Officer in his diary is dated 03.11.2019. Not only is the statement made by HC Rajesh Chauhan (now ASI) belied by the records, but the statement made before the Trial Court on 22.07.2025 also stands belied. HC Rajesh Chauhan (now ASI) has repeatedly made false statements before this Court and every time he has been confronted he has been unable to produce the documents.

13. Learned counsel for the State has assured the Court that in view of what has been noticed above and what has transpired in the Court, proper action would be initiated against HC Rajesh Chauhan (now ASI) in accordance with the rules and regulations and an action taken report shall be submitted to this Court within six months from today.

14. Though what has been noticed above is appalling to say the least, this Court refrains itself from commenting on the conduct of HC Rajesh Chauhan (now ASI) as well as the petitioner in view of the fact that the State has assured the Court that proper action would be initiated against HC Rajesh Chauhan (now ASI) in accordance with the rules and regulations.

15. As noticed above, neither was the order dated 24.07.2019 brought to the notice of the learned District and Session Judge by the petitioner

or by HC Rajesh Chauhan (now ASI) as has been alleged nor was any application filed by HC Rajesh Chauhan (now ASI) before the learned Additional District and Sessions Judge bringing the order dated 24.07.2019 to his notice though tall claims were made by the counsel for respondent No.2 i.e HC Rajesh Chauhan (now ASI). The CCTV footage also, as per the replies filed by respondents No.1 and 3 and as per the report of Dhanda Enterprises, is not preserved beyond the period of 9-10 days which would mean that the CCTV footage was destroyed on 15.07.2019 i.e. even prior to the filing of the petition [CRM-M-31294-2019] before this Court.

16. In view of what has been noticed above, no contempt is made out. I do not find any merit in the present petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

17. A copy of this order be also sent to the Trial Court for information and necessary action, in accordance with law.

30.01.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No