

(115) CRWP-5521-2021

Kamla Devi Vs. State of Punjab and others

CRWP-6437-2021

Satyawan Vs. State of Haryana and others

CRM-M-43672-2021

Kaushal Vs. State of Haryana and others

Present: Mr. Amandeep Singh Jawanda, Advocate
for the petitioner (in CRWP No.5521 of 2021).

Mr. Sourabh Goel, Advocate for the petitioner
(in CRWP No.6437 of 2021).

Mr. Bipin Ghai, Senior Advocate with
Mr. Prabhdeep Singh Bindra, Advocate and
Mr. Rishabh Singla, Advocate for the petitioner
(in CRM-M No.43672 of 2021).

Mr. Neeraj Poswal, AAG, Haryana.

Mr. P.S. Bajwa, Addl. AG, Punjab and
Mr. M.S. Nagra, AAG, Punjab.

Mr. Rajeev Anand, Addl. PP, UT, Chandigarh.

These petitions are essentially now pending on the issue of installation of CCTV cameras with adequate storage of 18 months (as directed by the Supreme Court in **SLP (Criminal) No.3543 of 2020 - Paramvir Singh Saini Vs. Baljit Singh and others**) in all Police Stations and Police Posts and CIA premises etc., in the States of Punjab, Haryana and the UT, Chandigarh.

On 09.02.2022, the following order was passed by this Court:-

Case heard via video conferencing.

CRWP No.5521 of 2021

CRWP No.6437 of 2021

As regards the larger issue of installation of CCTV cameras in all police posts in the States of Punjab and Haryana and in all police stations and police posts of the UT,

Chandigarh, learned counsel for the State of Haryana submits that though the State would otherwise be bound to install all such CCTV cameras in police posts by 01.04.2022, however due to the fresh outbreak of the pandemic, there may be some delay.

Mr. P.S. Bajwa, learned Additional A.G., Punjab submits on the basis of the affidavit of the Principal Secretary to the Government of Punjab, Department of Home Affairs and Justice, dated 28.01.2022, that CCTV cameras would be duly installed in all police posts of the State of Punjab by 10.05.2022.

Mr. Rajeev Anand, learned Additional P.P., UT, Chandigarh, submits that all police stations and police posts in the UT, Chandigarh already stand equipped with cameras but upgradation of the same in terms of the order of the Supreme Court in **Paramvir Singh Saini's** case, would take about 05 months, but the UT is seeking 01 months 'buffer' in that regard.

It is first to be noticed that along with the affidavit filed on behalf of the State of Punjab, an order of the Supreme Court, dated 02.03.2021, has been annexed, passed in **SLP (Criminal) No.3543 of 2020, Paramvir Singh Saini vs. Baljit Singh and others**, in which it is stated that as regards the State of Haryana, at that stage (02.03.2021), it had sought a time-line of 1½ years; but with the State directed to allocate funds for the purpose mentioned in the earlier orders passed by the Apex Court within a period of four weeks from 02.03.2021 (which would be by

30.03.2021).

As regards the State of Punjab, it is observed by their lordships that though cameras have been installed in all police stations since 2018, however they are not in conformity with the directions of the Apex Court and consequently, budgetary allocation was directed to be made within one month from that date and with the orders to be conformed with, within four months after the budgetary allocation, i.e. within five months from 02.03.2021, (which would be 01.08.2021).

As regards the UT, Chandigarh, it is stated in the said order of the Supreme Court that funds would be allocated for that purpose within four weeks from 02.03.2021 (i.e. by 30.03.2021) and the time-line for compliance would be within a period of four months after the period of budgetary allocation, i.e. again within five months of 02.03.2021 (by 01.08.2021).

All learned counsel appearing would place on record any orders passed by the Supreme Court in Paramvir Singh Saini's case after 02.03.2021.

CRM-M No.43672 of 2021

As regards the allegations made by the petitioner (as have been recorded in extenso in previous orders passed by this Court), Mr. Sabherwal has filed in a sealed cover, an unsigned document showing the criminal activities of the petitioner herein.

It is to be noticed by this Court that obviously with the petitioner stated to be a wanted criminal in different states

across the country, the seriousness of the crime that he has committed/allegedly has committed, is not lost on any Court in any manner whatsoever.

However, as observed in the earlier order passed directing that CCTV cameras be installed in interrogation rooms also, (with reference to the Supreme Court order in that regard earlier that CCTV cameras should be installed in all parts of police stations other than inside toilets), it had been observed by this Court that the uphill task faced by investigating agencies/police is not lost on any Court and in fact the extreme efforts they make to apprehend criminals, especially hardened criminals, is to be not just appreciated, but society needs to be grateful to them for that; yet, the rule of law as established, needs to be followed as is done all over the world in any civilized country, rather than shortcuts being taken in methods of apprehension and interrogation.

To repeat from the last order, we are the 5th or the 6th largest economy in the world and therefore the excuse of us not being as advanced as other countries is no longer available to us, unless we choose not to follow a more civilized method of apprehension and investigation.

The Director General of Police, Punjab, has also filed another affidavit dated 08.02.2022 in this case, from which Mr. Manreet Singh Nagra, learned A.A.G., Punjab, points to the table contained in paragraph No.9, in which the time frame for the revised tendering schedule has been given, between

28.01.2022 and 10.03.2022, the latter being the date on which the contract would be allotted, after which the work would be completed by 10.05.2022 (as also stated by the Principal Secretary to the Government of Punjab, Department of Home Affairs and Justice, in his affidavit).

Adjourned to 21.02.2022.

To be shown in the urgent motion list.

A copy of the order be placed on the file of other connected case.”

Today, all the learned counsels are ad idem that no order has been passed by the Supreme Court after 06.04.2021.

Obviously, it could be seen that due to the ongoing pandemic, the turn of the case is not coming up there and consequently it is to be repeated by this Court that orders passed by the Supreme Court are bound to be enforced by all Courts throughout the country even in terms of Article 141 of the Constitution of India.

Hence, the Supreme Court actually had granted specific time vide an order dated 02.03.2021 but with seemingly some latitude given thereafter in the order dated 06.04.2021, inasmuch as the Union of India had been granted about seven months from the date of that order to comply with the directions issued earlier, the Union having stated before the Supreme Court that it would make a budgetary allocation as regards the six agencies directly under the Union, within one month. The Supreme Court had directed that thereafter that implementation of the directions earlier given would be within six months.

Though no such order has actually been made with respect to the States of Punjab, Haryana and UT, Chandigarh, the two States and Union Territory having been given time effectively till 01.08.2021 to carry out the orders dated 02.03.2021, it is very strange that even more than six months thereafter, the UT, Chandigarh, in fact is asking for six months still more time, as recorded in the order of this Court dated 09.02.2021.

Consequently, I would see absolutely no ground to grant that much time to the UT Chandigarh; but with the States of Punjab and Haryana having been directed to complete the work in terms of the directions of the Supreme Court by 10.05.2022, the UT would also do the same by that date, failing which, naturally, appropriate action, if need be, under the provisions of the Contempt of Courts Act, 1971, may need to be taken against all concerned in both the States of Punjab and Haryana, and the UT, Chandigarh.

Adjourned to 18.04.2022.

Affidavits be filed by the Additional Chief Secretary/ Principal Secretary/ Secretary Home of each State/ Union Territory, with regard to the progress made at that stage.

The DGPs of Punjab, Haryana and UT, Chandigarh would also file affidavits as to whether instructions have been issued so far or not with regard to what had been directed by this Court in its order dated 07.01.2022, to the effect that all reports to be submitted under Section 173 Cr.P.C would specifically state by giving details, of how the provisions of Section 41B, 41C, 41D, 54, 55, 55A of Cr.P.C have been complied with, in each investigation.

Part heard, to be taken up in the urgent motion list.

A copy of the order be placed on the file of other connected cases.

21.02.2022
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(AMOL RATTAN SINGH)
JUDGE

