



CRWP-10240-2026(O&M)

1

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

(113)

CRWP-10240-2026(O&M)
Date of Decision: 27.08.2026

Lal Chand

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present : Mr. T.S.Sidhu, Advocate
for the petitioner.

Mr. Baljnder Singh Sra, Additional AG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of habeas corpus for securing the release of the alleged detenues, namely, Joginder Kaur, wife of the petitioner, and Mamta Kamboj, daughter of the petitioner, who are alleged to have been illegally detained by the police officials/SHO/respondent no.3 of Police Station Amir Khas, District Fazilka.

2. On 22.08.2026, this Court, taking note of the allegations made in the petition, appointed a Warrant Officer to visit Police Station Amir Khas and such other place as may be pointed out by the petitioner and to ascertain whether the alleged detenues were being illegally detained therein and, if found in illegal confinement, to secure their release forthwith and record their statements in accordance with law.

3. Pursuant to the aforesaid order, the Warrant Officer visited Police Station Amir Khas on 22.08.2026 at around 8:30 PM along with the petitioner. The report submitted by the Warrant Officer has been placed on record and



perused by this Court. The report records that the alleged detainees, namely, Joginder Kaur and Mamta Kamboj, were not found in any of the rooms of Police Station Amir Khas at the time of the inspection. However, the matter does not end merely with the fact that the alleged detainees were not found at the police station at the time of the raid. The petitioner made a categorical statement before the Warrant Officer alleging that his wife and daughter had been forcibly picked up by the SHO, Police Station Amir Khas, along with other police officials from the house of father in law of son of petitioner namely Gurinder Singh at Village Tilu Arain on 21.08.2026 at about 5:30 P.M. and brought to the police station without disclosing any reasons. The petitioner further alleged that they were not being released despite repeated requests made by respectable persons of the area.

4. Significantly, four respectable persons of the locality, namely, Gurinder Singh, Subeet Singh, Rajdev Singh and Prince Kumar, were also present before the Warrant Officer and submitted written statements supporting the version of the petitioner. As recorded in the report, they stated that they had witnessed the alleged pickup of Joginder Kaur and Mamta Kamboj by the SHO and the police party and that both were brought to Police Station Amir Khas. The report further records that the petitioner's brother, Pal Chand, who is himself serving as an ASI in the Punjab Police, had visited Police Station Amir Khas in connection with service of court summons and was allegedly detained there and not permitted to return home on that day. He was found present at the police station when the Warrant Officer conducted the inspection. The report also records the statement of Gurinder Singh, who alleged that he too had been picked up by the police from his shop on 22.08.2026 and was not permitted to return home. Both were subsequently released.



5. Another circumstance which requires consideration is the issue of CCTV footage. The Warrant Officer specifically asked the SHO to produce the CCTV footage of Police Station Amir Khas covering the relevant period from the evening of 21.08.2026 till 9:00 P.M. on 22.08.2026 so as to verify the allegations. The SHO, however, declined to produce the footage at that stage, stating that she did not possess the password and that the footage could be displayed only with the permission of senior officers. The report records that the SHO stated that, if directed by this Court, the CCTV footage would be preserved and produced.

6. The Warrant Officer has further recorded that, on the following day, the petitioner informed him telephonically that his wife and daughter had been dropped by the police party on the main road of their village at about 10:00 A.M. on 23.08.2026 and had thereafter returned home. The petitioner also stated that, prior to the arrival of the Warrant Officer at Police Station Amir Khas, the SHO had shifted them to the official residential quarters situated at Police Station Sadar, Jalalabad. Thus, although the alleged detainees were not found in the police station when the Warrant Officer conducted the inspection, the material contained in the report gives rise to circumstances which cannot be brushed aside at this stage. The categorical version of the petitioner, the statements furnished by the respectable persons who claim to have witnessed the alleged pickup, the alleged detention of the petitioner's brother, who is himself a police official, and, above all, the issue concerning the CCTV footage, warrant an appropriate verification by an independent judicial authority.

7. This Court, however, does not consider it appropriate, on the basis of the material presently available, to record a final finding that the alleged detainees were in fact illegally detained by the police officials. Such a finding



would require examination and verification of the competing versions, including the relevant CCTV footage and the statements of the persons concerned. The same can appropriately be undertaken in a fact-finding inquiry by the learned Chief Judicial Magistrate, Fazilka.

8. Accordingly, without expressing any final opinion on the allegations made by the petitioner or the defence/version of the police officials, the present petition is disposed of with the following directions:

(i) The learned Chief Judicial Magistrate, Fazilka, shall conduct a fact-finding inquiry into the allegations regarding the alleged illegal detention of Joginder Kaur and Mamta Kamboj, wife and daughter respectively of the petitioner, as also the alleged detention of Pal Chand and Gurinder Singh.

(ii) The inquiry shall be conducted expeditiously and, as far as possible, be completed within a period of 15 days from the date of receipt of a certified copy of this order.

(iii) The learned Chief Judicial Magistrate shall record the statements of the petitioner, the alleged detainees, the persons who have furnished statements before the Warrant Officer, the concerned police officials and such other persons as may be considered necessary for arriving at a just conclusion.

(iv) The SHO, Police Station Amir Khas, District Fazilka, shall ensure immediate preservation of the original CCTV footage of Police Station Amir Khas for the relevant period, particularly from 21.08.2026 till 23.08.2026, including the



footage of all cameras installed at the entry, exit, main premises and other relevant portions of the police station.

(v) The aforesaid CCTV footage shall not be deleted, overwritten, altered or otherwise interfered with and shall be produced before the learned Chief Judicial Magistrate, Fazilka, for being taken into consideration during the inquiry.

(vi) The learned Chief Judicial Magistrate shall also examine, if considered necessary, the CCTV footage of the relevant premises/official quarters at Police Station Sadar, Jalalabad, if available, for the period during which the alleged detenues are stated to have been shifted there.

(vii) In case, upon completion of the inquiry, the learned Chief Judicial Magistrate comes to the conclusion that the alleged detenues or any other person were illegally detained by the SHO or any other police official, the learned Chief Judicial Magistrate shall take appropriate action in accordance with law, including ensuring registration of an FIR/criminal case against the officials found responsible, in accordance with the applicable legal procedure.

(viii) The learned Chief Judicial Magistrate shall submit a report of the fact-finding inquiry before this Court.

9. The Senior Superintendent of Police, Fazilka, shall ensure that the relevant CCTV footage is preserved forthwith and that full cooperation is extended to the learned Chief Judicial Magistrate in the conduct of the inquiry.



The preservation of the CCTV footage shall be treated as a matter of utmost importance, having regard to the nature of the allegations and the possibility of the footage being automatically overwritten with the passage of time.

10. Since the alleged detainees have, as per the report of the Warrant Officer, returned to their home and the immediate object of the habeas corpus proceedings, namely, tracing the alleged detainees and securing their release, no longer survives, the present petition is **disposed of in the above terms**.

11. The observations made herein are only for the purpose of directing an appropriate fact-finding inquiry and shall not be construed as a final expression of opinion on the culpability of any person. The learned Chief Judicial Magistrate shall conduct the inquiry independently and in accordance with law.

12. A copy of this order be forwarded forthwith to the learned Chief Judicial Magistrate, Fazilka, as well as to the Senior Superintendent of Police, Fazilka, for necessary compliance.

General Directions for Access to CCTV footage during Execution of Habeas Corpus Warrants

13. Before parting with the matter, this Court deems it appropriate to address a specific procedural difficulty highlighted by the learned Warrant Officer in the present case and noticed in some other cases. The report reveals that, when the Warrant Officer sought to inspect the CCTV footage of the relevant period for the purpose of verifying the allegations of illegal detention, the same was not immediately made available on the ground that the concerned SHO did not possess the password and that permission of senior officers was required. The Warrant Officer has expressed the concern that non-production of CCTV footage at the time of execution of a warrant may frustrate the very



purpose of a surprise inspection and that, if production is deferred, there is a possibility of the footage being overwritten, deleted or otherwise becoming unavailable.

14. The concern so expressed assumes particular significance in proceedings concerning alleged illegal detention or custodial misconduct, where a Warrant Officer is appointed by the Court precisely to undertake an immediate and effective inspection of the police station or other relevant premises. The possibility of the alleged detainee being shifted before or during such inspection cannot be ruled out. In such circumstances, timely access to CCTV footage may be crucial for objectively ascertaining the presence, movement or custody of the alleged detainee. Any avoidable delay in securing such material may, therefore, substantially impair the efficacy of the judicial process and the very purpose for which the Warrant Officer is appointed.

15. The importance of CCTV surveillance in police establishments and the need for its proper functioning, preservation and accessibility have already been emphasised by the Hon'ble Supreme Court in ***Paramvir Singh Saini v. Baljit Singh, 2021 (1) SCC 184***, and the Hon'ble Supreme Court has thereafter continued to monitor compliance with the aforesaid directions in ***Suo Motu Writ Petition (Civil) No. 7 of 2025, In Re: Lack of Functional CCTVs in Police Stations***. This Court have also issued directions, in appropriate cases, concerning CCTV systems and access to CCTV footage in police establishments in consonance with directions issued by the Apex Court.

16. It is also apparent that, pursuant to the aforesaid directions, the respective police departments have prescribed their own procedures and designated officers/authorities for the administration of CCTV systems and for retrieval and access to CCTV recordings. The present directions are, therefore,



not intended to create a parallel or independent mechanism in respect of the general administration, maintenance, preservation or access to CCTV systems.

17. However, the existing departmental procedure governing access to CCTV footage may not adequately address the peculiar situation arising when a Warrant Officer appointed by this Court makes a sudden visit to a police station in execution of a warrant issued in a habeas corpus matter. The ordinary requirement of obtaining permission from superior officers or accessing the system through an officer who possesses the requisite password or credentials, though applicable in the normal course, cannot be permitted to operate as a procedural impediment to the immediate execution of a judicial warrant. It is, therefore, necessary to suitably modify and supplement the existing departmental protocols so as to provide a specific, expeditious and readily accessible mechanism for such cases, without disturbing the existing arrangements governing CCTV systems generally.

18. Accordingly, and as an additional safeguard to ensure effective implementation of the directions already issued by the Hon'ble Supreme Court and this Court, and further to ensure that orders of this Court appointing Warrant Officers in habeas corpus matters are executed effectively and without avoidable obstruction or delay, the respective Director Generals of Police are directed to review and suitably modify/supplement the existing departmental procedure/protocol governing access to CCTV systems, so as to incorporate therein a specific, expeditious and readily accessible mechanism for cases involving the sudden visit of a Warrant Officer appointed by this Court in connection with a habeas corpus matter. The aforesaid modification/supplementation shall be completed and implemented within one



month from the date of receipt of a certified copy of this order, and the modified protocol shall, at least, provide for the following:

A. Time-bound Compliance and Modification of Existing Protocol

(i) The respective Director Generals of Police shall, within the aforesaid period, complete the review and suitably modify/supplement the existing departmental procedure/protocol governing access to CCTV systems by incorporating therein a specific mechanism for facilitating immediate access to CCTV systems and relevant recordings whenever a Warrant Officer appointed by this Court visits a police station pursuant to a warrant issued in a habeas corpus matter.

B. Designation of Nodal Officer

(ii) A suitable Nodal Officer shall be designated in each district/appropriate territorial unit for the exclusive purpose of facilitating immediate access to the CCTV system and relevant recordings whenever a Warrant Officer appointed by this Court visits a police station pursuant to a warrant issued in a habeas corpus matter.

(iii) The modified protocol shall prescribe a dedicated communication mechanism, including an official contact number and, wherever considered appropriate, an official WhatsApp number or email ID, through which the concerned SHO or police official, and where necessary the Warrant Officer, may immediately contact the designated Nodal Officer for securing access to the CCTV system and relevant recordings.



(iv) The modified procedure and the mechanism for contacting the designated Nodal Officer shall remain operational at all times, including beyond normal office hours, so as to ensure that the timing of execution of a habeas corpus warrant does not render the mechanism ineffective.

C. Circulation and Compliance

(v) The respective Director Generals of Police shall ensure that the modified protocol incorporating the aforesaid mechanism is circulated to all police stations and police establishments within their respective jurisdictions for strict compliance and is implemented in every case where a Warrant Officer appointed by this Court visits a police establishment in execution of a warrant issued in a habeas corpus matter.

D. Display and Intimation of Contact Particulars

(vi) The name and contact particulars of the designated Nodal Officer, including the dedicated contact number/communication mechanism, shall be circulated to all police stations within the concerned district/territorial unit and prominently displayed at every police station for ready and immediate reference.

(vii) The respective Director Generals of Police shall furnish to the Registry of this Court, within one week of the designation of the Nodal Officers, an initial list containing their names, designations and complete contact particulars, including the dedicated communication mechanism. Any subsequent change in the designated Nodal Officer or his/her contact particulars shall be



intimated to the Registry forthwith and, in any event, within one week of such change, so that the Registry has an updated record.

E. Access Without Ordinary Permission Procedure/Immediate

Activation of CCTV

(viii) Whenever a Warrant Officer arrives at a police station in execution of a habeas corpus warrant and requires access to CCTV footage relevant to the warrant, the concerned SHO, or in his/her absence, the police official authorised by the SHO or designated under the departmental protocol, shall forthwith activate the designated mechanism and facilitate immediate and unhindered access to the CCTV system and relevant recordings ; or

(ix) Where the concerned SHO or police official present at the police station does not possess the password, login credentials or requisite technical access, he/she shall immediately contact the designated Nodal Officer, who shall arrange for the requisite access without requiring the Warrant Officer to await the completion of the ordinary departmental chain of permissions or approvals.

F. Strict Compliance and Reporting of Non-Cooperation

(x) Any deliberate refusal, obstruction, avoidable delay, non-production of relevant CCTV footage or withholding of material information by any police official, including on the ground of non-availability of the SHO or nodal officer, password or credentials, or non-functioning of the CCTV system, during the execution of a habeas corpus warrant, shall be viewed seriously.



(xi) Any such conduct shall be liable to be brought to the notice of the competent police authority and this Court and may invite appropriate departmental and/or legal action in accordance with law.

19. It is clarified that the aforesaid directions are supplementary to and in furtherance of the directions already issued by the Hon'ble Supreme Court and this Court concerning installation and maintenance of CCTV systems in police establishments and are confined to addressing the specific procedural difficulty relating to immediate access to CCTV systems and relevant recordings during the execution of warrants in habeas corpus matters. They shall not otherwise interfere with or replace the existing departmental arrangements governing CCTV systems. These directions are intended only to facilitate the effective and expeditious execution of judicial warrants by the Warrant Officer in habeas corpus matters and the timely preservation and availability of relevant CCTV footage, and shall not be construed as conferring upon a Warrant Officer any authority beyond the terms and scope of the warrant issued by this Court.

(VIRINDER AGGARWAL)
JUDGE

27.08.2026

S. Pathania

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>