

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15579-2024 (O&M)
CRM-M-65335-2023 and
CRM-M-19581-2024

VINAY KUMAR ..PETITIONER
Versus

STATE OF PUNJAB ... RESPONDENT

Present: Mr. Amardeep Singh, Advocate
Mr. Gaurav Pathania, Advocate and
Mr. Ankur Jain, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

Today, an affidavit of Dr. Ashwani Kalia, Director, Forensic Science Laboratory, Punjab, Phase-4, SAS Nagar has been filed by learned State Counsel, the same is taken on record. Copy of the same has been furnished to the counsel opposite.

As per which it is indirectly admitted that the instruments meant for verifying the genuinity and veracity of the CCTV Footage or clips being part of material for investigation are yet not available in any of the three regional FSLs as well as the FSL situated at SAS Nagar, Mohali. The relevant paragraphs No. 4 and 5 in the said affidavit read as under :-

‘4. That the above said instruments are not meant for verifying the genuinity and veracity of CCTV footage or clips being part of material for investigation.

5. That it is pertinent to mention that the process of procurement of Cyber Forensic Tools (for Forensic image and video analysis and for video authentication) required for Video Forensics is under progress for establishment of new Cyber Forensic Division in the FSL, Punjab, SAS Nagar. Once these tools will be procured and installed, the Forensic Science Laboratory Punjab will be capable of examining and testing

genuinity and veracity of CCTV footage or clips being part of material for investigation.'

Today, Dr. Ashwani Kalia, Director Forensic Science Laboratory, Punjab, Phase-4, SAS Nagar is present in Court to assist the State Counsel and availing that opportunity, this Court has derived further information to which an off hand reply has been placed vide paragraph No.5 and on that very lines the Director has informed that process of procurement of Cyber Forensic Tools (for forensic image and video analysis and for video authentication) required for video Forensics is under progress for establishment of new Cyber Forensic Division in the FSL, Punjab, SAS Nagar.

The affidavit is sans information qua the progress undertaken till date to procure the said instrument.

This information has been sought by this Court while dealing with the instant petition wherein CCTV footage provided by the petitioner could not be examined due to lack of said facility at FSL, Punjab, SAS Nagar, Mohali.

During the course of hearing, this Court on 25.09.2024, recorded an order passed in CRM-A-2300-MA-2017 which is a Public Interest Litigation wherein the status report was called upon by this Court from all three states including State of Punjab, with the status of Forensic Science Laboratories and the equipment available therein to speed up the examination of material required for progress of investigation as the same is being delayed inordinarily causing not only hurdles in the speeding up of judicial process but also infringing the right to life and liberty to the accused persons as envisaged under

Article 21 of the Constitution of India which envisaged for speedy trial but are depriving of their right to liberty on account of pendency of investigation itself wherein the trial is unable to proceed further.

The affidavits filed in the above said Public Interest Litigation depicts that hundreds of lakhs of rupees were sanctioned and actually spent for purchase of various equipments and for upgradation of Forensic Science Laboratory, SAS, Nagar, Mohali as well as three regional Forensic Science Laboratories situated at Bathinda, Amritsar and Ludhiana.

Today, Dr. Kalia has also informed that in the three regional Forensic Science Laboratories it is only qua the examination of the NDPS cases which is being facilitated but other facilities are not available in any of those labs.

Before proceeding further on the issue, the State is directed to file an affidavit of the Home Secretary giving comprehensive schedule and action plan for upgradation of the Forensic Science Laboratory, SAS Nagar, Mohali as well as the regional Forensic Science Laboratories situated at Bathinda, Amritsar and Ludhiana within a period of two weeks from today.

Another affidavit of Dr. Ashwani Kalia, Director Forensic Science Laboratory, Punjab, Phase-4, SAS Nagar be also filed with the description categorically confined to the process which has been initiated and the progress undertaken till date with the circulation of file in the different branches/departments as stated in Para No. 5 of the affidavit filed today by him in the Court.

Adjourned to 11.12.2024.

Interim order to continue.

A photocopy of this order be placed on the file(s) of
connected case(s).

**(SANDEEP MOUDGIL)
JUDGE**

19.11.2024
anuradha