



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRM-M-52588-2023 (O&M)

Date of decision: 26.08.2025

Smt. Manisha

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Ms. Simran, Advocate for
Mr. Amit Agnihotri, Advocate for the petitioner (th. V.C.).

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for seeking medical examination of undertrial-Kaushal Chaudhary son of Nand Lal from a Board of Doctors at PGIMER, Chandigarh or PGI, Rohtak and also to secure the CCTV footage of the cameras installed inside and outside the Police Station New Colony Bhondsi, District Gurugram. A further prayer has been made for directing the respondents to hold a judicial inquiry into the alleged beating of undertrial-Kaushal Chaudhary.

2. Learned counsel appearing on behalf of the petitioner contends that Kaushal Chaudhary was taken in police custody by the respondents and was given beatings including a 3rd degree torture. The said fact is claimed to have been informed to the petitioner when she visited Kaushal Chaudhary on 06.10.2023 at Bhondsi Jail. A prayer was made that CCTV footage of the cameras installed inside and outside the Police Station New Colony Bhondsi,



District Gurugram be preserved as a proof.

3. Status report by way of affidavit dated 05.01.2024 of Sh. Sukhbir Singh, HPS, Assistant Commissioner of Police, Crime, Gurugram has been filed on behalf of respondents No.1 and 2. The relevant extract of the status report reads thus:-

- “3. *That in this context, it is submitted that the case FIR No. 88 dated 29.05.2020 u/s 302, 34 IPC and 25(1-B)(a) Arms Act (Later on deleted Section 25(1-B)(a) Arms Act and added Section 109 and 25(1)AA, 29(a), 29(b) Arms Act) was registered at P.S. New Colony, Gurugram on the complaint of Jyoti Dureja against unknown persons for committing murder of her husband Vikas Dureja.*
4. *That after registration of the said FIR, the investigation was initially carried out by Insp. Ved Pal, the then SHO P.S. New Colony, Gurugram. During the course of investigation, the place of occurrence was inspected and the vehicle no. HR-26-DH-0143 of the deceased Vikas Dureja was taken into police possession from the place of occurrence. The post mortem of deceased Vikas Dureja was got conducted on 30.05.2020.*
5. *That the accused Naveen, who was arrested in FIR No. 234 dated 10.06.2020 u/s 25(1-B)(a) Arms Act P.S. Sector-10A, Gurugram by HC Naveen Crime Unit Sector-10, Gurugram, disclosed that he had handed over*



CRM-M-52588-2023 (O&M)

two pistols to Vikas Mahle for committing the murder of Vikas Dureja.

6. *That thereafter, Insp. Ved Pal arrested accused Naveen in the present FIR on 11.06.2020 after obtaining permission from the Ld. Illaqa Magistrate, Gurugram. His disclosure statement was recorded in which he disclosed the names of accused Naveen R/o Jatsapur and Vikas @ Mahle and told that he had provided the arms and ammunition to them. Section 120-B IPC was added in the present case. Later on, Section 120-B IPC and 25(1-B)(a) Arms Act were deleted and Section 109 IPC and 25(1)AA, 29(a), 29(b) Arms Act were added in the present case. The challan against accused Naveen was submitted in the Ld. Court on 04.09.2020.*
7. *That thereafter, the investigation was conducted by Crime Unit Palam Vihar, Gurugram. On 25.11.22, accused Vikas @ Mahle was arrested in the present case by SI Paramjeet after taking him on production warrants. His police remand was obtained and thereafter, he was sent to judicial custody. The challan against him was submitted in the Ld. Court on 20.02.2023.*
8. *That on 05.07.2023, accused Sandeep @ Bandar was arrested in the present case after taking him on production warrants. He was sent to judicial custody on*



CRM-M-52588-2023 (O&M)

07.07.2023. The challan against him was submitted in the Ld. Court on 30.09.2023.

9. That the name of accused Kaushal had come forth in the disclosure statement of accused Vikas @ Mahle. His open dated warrants were already got issued from the Ld. Court on 22.05.2023. He was joined in the investigation of the present case on 29.09.2023 by ASI Rambir, Crime Unit Palam Vihar, Gurugram. He was arrested on 29.09.2023 and he was taken on three days police remand. During his police remand, another accused Rajeev was arrested on 30.09.2023. His police remand was obtained for five days. During this period, accused Harender was taken on production warrants from Central Jail, Amritsar on 01.10.2023 and he was produced in the Ld. Court on 02.10.2023 and he was arrested on the same day. His police remand was obtained for five days.
10. That on 02.10.2023, accused Kaushal suffered his amended disclosure statement. He was produced in the Ld. Court on 02.10.2023 and his police remand was further obtained till 05.10.2023. He was sent to judicial custody on 05.10.2023. Now, he is in judicial custody in Distt. Jail, Bhondsi (Gurugram).
11. That during the period of initial police remand of



CRM-M-52588-2023 (O&M)

accused Kaushal (husband of the petitioner) from 29.09.2023 to 02.10.2023, his medico-legal examination was got conducted from GH Sector-10, Gurugram and the same was found to be normal. He was taken to Crime Unit Palam Vihar, Gurugram and he was interrogated by Insp. Joginder Singh, Incharge Crime Unit Palam Vihar Gurugram and thereafter, he was confined in the lock-up of Crime Unit Palam Vihar, Gurugram. On 30.09.2023, he was taken out from lock-up and he was taken to Kaithal for identifying the whereabouts of accused Rajeev. The said accused Rajeev was arrested on the identification of accused Kaushal. They returned at Crime Unit PalamVihar, Gurugram on 30.09.2023 and at about 7:54 PM, his medico-legal examination was got conducted at GH Sector-10, Gurugram and the same was found to be normal.

12. *That on 01.10.2023, accused Kaushal was interrogated as the accused Harender was to be taken on production warrants and he was to be confronted with accused Kaushal.*
13. *That it is pertinent to mention here that in the morning of 02.10.2023, when the accused Kaushal was to be produced before the Ld. Illaqa Magistrate, Gurugram, he was being interrogated by Insp. Joginder, Incharge*



CRM-M-52588-2023 (O&M)

Crime Unit Palam Vihar, Gurugram. During interrogation, accused Kaushal made a request to Insp. Joginder to arrange for a barber for haircut and shaving as he was feeling irritation in his beard and hair. On his request, the barber namely Azad Singh from Palam Vihar, Gurugram was brought in the Crime Unit Palam Vihar, Gurugram and he started doing his haircut and shaving. Accused Kaushal snatched the trimmer machine of the barber and made a mark on his own neck. In this regard, the tehrir was sent by Insp. Joginder Singh, Incharge Crime Unit Palam Vihar, Gurugram to P.S. Palam Vihar where the case FIR No. 561 dated 02.10.2023 u/s 309 IPC was registered at P.S. Palam Vihar, Gurugram against accused Kaushal. Thereafter, he was brought in the Ld. Court by SI Sanjeev Kumar, Crime Unit Palam Vihar, Gurugram after his medico-legal examination from GH Sector-10, Gurugram at 3:05 PM and obtaining his MLR from Dr. Bhanu Verma on 02.10.2023.

14. *That thereafter, the police remand of accused Kaushal was further obtained till 05.10.2023. During his police remand, he was taken to Jalandhar (Punjab), in proper police protection, to assist the investigating officer ASI Rambir and other officials in the arrest of accused*



CRM-M-52588-2023 (O&M)

Naveen Rio Jatsapur and Rohit @ Kartoos. However, the said accused persons could not be arrested as they could not be found. He was brought to Crime Unit Palam Vihar, Gurugram on 03.10.2023 at 10:00 PM and he was confined in the lock-up. His medico-legal examination was got conducted on 04.10.2023 at 11:17 AM and the same was found to be normal. He was taken to Ghaziabad (U.P) in proper police protection, to assist the investigating officer SI Sanjeev and other officials in the arrest of accused Naveen R/o Jatsapur and Rohit @ Kartoos. However, the said accused persons could not be arrested as they could not be found. He was brought to Crime Unit Palam Vihar, Gurugram on 04.10.2023 at 10:10 PM and he was confined in the lock-up. His medico-legal examination was got conducted on 05.10.2023 at 1:24 PM and he was produced in the Ld. Court from where he was sent to judicial custody.

15. *That the challan against the accused Kaushal has been prepared on 18.12.2023 and the same has been submitted in the Ld. Court on 21.12.23.*
16. *That from the perusal of the above averments, it is clear that accused Kaushal was never tortured by the Gurugram Police during the period of his police remand, as no injury was found on his person at the time of*



medico-legal examinations mentioned in above paras.

17. *It is mentioned that Police Station New Colony is not situated at Bhondsi rather the same is situated at Gurugram. As per report of SHO PS New Colony Gurugram there is no lock-up in PS New Colony. The accused Kaushal was taken to Crime Unit Palam Vihar, Gurugram for interrogation as the accused Kaushal was taken on police remand by the said Crime unit. However the footage of CCTV camera installed at PS New Colony for the dates 04.10.23 & 05.10.23 has been preserved. Because the storage capacity is less thus CCTV Footage for the dates 29.09.23 to 3.10.23 could not be preserved. Further as per report of Executive Engineer Haryana Police Housing Co-operation some cameras have recently been installed at PS New Colony Gurugram on trial basis and as such their footage cannot be stored.*
18. *That there are three CCTV cameras installed in Crime Unit Palam Vihar, Gurugram. The footage of all the three CCTV cameras from 29.09.2023 to 05.10.2023 has been preserved and the same has been stored in a pen drive. The perusal of the CCTV footage does not show any torture on the part of police officials and he is being interrogated normally. Every time he was taken outside, his medico-legal examination was got conducted at GH*



CRM-M-52588-2023 (O&M)

Sector-10, Gurugram and no injuries were found as per the MLR and accused Kaushal was found to be normal.

19. *That it is also pertinent to mention here that the Red Notice of accused Dinesh Sharma @ Gandhi S/o Satish (one of the main member of Kaushal gang) was got issued from the competent authority in case FIR No. 40 dated 22.02.2021 u/s 302, 120-B IPC and 25(1-B)(a)/27(1)/30 Arms Act P.S. New Colony, Gurugram. In this context, Insp. Narender Chauhan visited District Jail, Bhondsi on 29.09.2023 and interrogated the accused Kaushal regarding above named Dinesh Sharma @ Gandhi, as Kaushal is a notorious gangster and is having a vast criminal record. Thereafter, Insp. Narender Chauhan visited Crime Unit Palam Vihar, Gurugram on 30.09.2023 but accused Kaushal was not found there as he was taken to Kaithal at that time for identifying the whereabouts of accused Rajeev in FIR No. 88 dated 29.05.2020 u/s 302, 109, 34 IPC and 25 Arms Act P.S. New Colony, Gurugram. Thereafter, Insp. Narender Chauhan, STF Unit Gurugram, again visited Crime Unit Palam Vihar, Gurugram on 01.10.2023 and he interrogated accused Kaushal for obtaining information regarding whereabouts and other details of Dinesh Sharma @ Gandhi. The said Inspector left the*



254

*CRM-M-52588-2023 (O&M)**Crime Unit Palam Vihar, Gurugram.”*

4. No counter to the said status report has been filed so far despite a lapse of more than 1 ½ year.

5. I find no satisfactory reason to disbelieve the aforesaid status report. Consequently, the instant petition is **disposed of** as having been rendered infructuous warranting no further orders.

(VINOD S. BHARDWAJ)
JUDGE

26.08.2025*Mangal Singh*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No