

PRAKASH SINGH MARWAH V/S UNION OF INDIA AND OTHERS

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Dheeraj Jain, Advocate
for the respondent No.1- U.O.I.

Mr. Sanjiv Ghai, Addl. P.P., U.T. Chandigarh.

Mr. Akshay Makhija, Sr. Advocate (Through V.C.) with
Mr. Chandandeep Singh, Advocate
Mr. Abhishek Kumar, Advocate and
Ms. Aditi, Advocate
for the respondent No.8.

1. This Court had, in its order dated 03.04.2025, penned down the hereinafter extracted queries to be answered by the Senior Superintendent of Police, Chandigarh:-

“...Learned Standing Counsel for the UT, Chandigarh, is directed to file a response by way of an affidavit of the Senior Superintendent of Police, Chandigarh, specifically disclosing therein, after conducting an inquiry, (i) as to who is the person/official/officer responsible for uploading the videographed contents in question on social media platforms; (ii) in case, the said contents have been uploaded by the police official who was on duty, whether, such act has been done in pursuance of performance of his official duty; (iii) whether, any guidelines have been issued by the authority concerned to deal with such scenario or not...”

2. In deference to the order (supra), today the learned Additional Public Prosecutor has filed reply dated 20.05.2025, on affidavit of Ms. Kanwardeep Kaur, IPS, Senior Superintendent of Police, U.T., Chandigarh, which is taken on record.

3. A survey of the reply coaxes this Court to record that, the reply is totally vague and does not embody answers to the queries (supra) of this Court. Strangely enough, as of today, the Senior Superintendent of Police,

U.T., Chandigarh could not lay hands on any material as to who had uploaded the video clip in question on social media platform(s), rather a lame stand has been taken before this Court that, the said video clip was circulated by Constable Yogesh in the official whatsapp group and now, they are in the process of ascertaining the source of leakage. Even if for the sake of arguments, the stand (supra) is considered, yet the reply does not disclose as to in which capacity and under which official guidelines/ instructions, an official whatsapp group has been created, especially when sensitive information with regard to investigation(s) is being uploaded therein and accepted as part of practice by the Chandigarh Police. This issue raises serious concern about the functioning of the Chandigarh Police.

4. Moreover, today this Court posed another specific query to the learned Additional Public Prosecutor as to whether the mobile of Constable Yogesh has been confiscated and sent for forensic examination, to which the latter answered in negative.

5. In summa, when despite specific directions passed by this Court, a totally vague and silent reply has been furnished before this Court, especially when the case at hand involves serious concern regarding functioning of the Chandigarh Police, therefore, this Court deems it appropriate to direct the Director General of Police, Chandigarh, to cause his personal appearance before this Court on 22.05.2025, at 10:00 a.m.

6. List on 22.05.2025, in the urgent list.

7. It is made clear that, on the subsequent date of hearing, no request for adjournment would be entertained on behalf of either side.

May 21, 2025
devinder

(KULDEEP TIWARI)
JUDGE