

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37737-2015

Date of decision: February 25, 2016

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pankaj Bali, Advocate for the petitioner.
Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C. seeking a direction that call records of respondents No.4 to 10, who are police officials, be provided to the accused.

Prayer has been opposed by the State counsel.

It appears, petitioner was booked under section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985, as 360 Kgs. of poppy husk was recovered from him. After completion of investigation, final report was submitted by the investigating agency. Petitioner moved instant application for summoning call records of mobile phone of the police officials investigating the crime to show that they were not at the location of recovery at the relevant time. Application was rejected by the court below observing that call records of ASI Khushi Ram, who was investigating the matter, were already on record. Besides, stand of the State is that by now all the prosecution witnesses have been examined

and the case is at the stage of defence evidence. This court, thus, finds no ground to interfere. Besides, accused cannot be allowed to build up his defence by trying to procure the records of the investigating agency collected during investigation. After submission of final report under section 173 (2) Cr.P.C. the material available with the same would form the basis of trial.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 25, 2016
'Rajpal'