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

CRR No.3735 of 2016

Date of Decision: 17.02.2017

**RANINDER @ RANVINDER SINGH @ BAU @ KALA
.....Petitioners**

Vs

STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Riffi Birla, Advocate for
Ms. Surinder Kaur Gill, Advocate
for the petitioner.

Mr. Neeraj Sharma, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Reply filed on behalf of the respondent State is taken on record.

In this revision petition, the petitioner has assailed order dated 01.08.2016 vide which application for the tracing of record of mobile calls including tower location of the Investigating Officers and other officers was dismissed on the ground that similar application had also been dismissed on 16.05.2016.

The sole grievance of the petitioner in this revision petition is that no such order dated 16.05.2016 was ever passed by the trial Court in the context of declining the aforesaid prayer.

As per order dated 02.05.2016 passed by the Additional

Sessions Judge, Fazilka while accepting the application of the co-accused for issuance of necessary directions, the Court adjourned the case for 18.05.2016. Apparently, there was no such reference for fixing the case for 16.05.2016.

In the reply filed by way of affidavit of Harjinder Singh Gill, DSP Jalalabad (West), District Fazilka on behalf of the respondent-State, there is no such reference of such order having been passed on 28.04.2016. The application filed by the petitioner was dismissed as withdrawn. The reference of which also finds mention in para No.2 of the revision petition.

In view of aforesaid, I deem it appropriate to remand the case to the trial Court with a direction to pass fresh order on merits. The trial Court would be at liberty to ascertain factum of existence of order dated 16.05.2016 on record. If no such order is in existence, then the trial Court shall proceed to decide the application on merits without being influenced by any of the observation made in the order dated 01.08.2016. If the trial Court finds that the order dated 16.05.2016 is very much in existence, then this order would be of no consequence.

Petition stands disposed of accordingly.

February 17, 2017

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No