

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-23051-2020(O & M)
Date of Decision: 12.10.2020.

Baljinder Singh @ Balwinder Singh
Versus

....Petitioner.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Prateek Sodhi, Advocate for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

Lalit Batra, J. (Oral):

Case has been taken up for hearing through Video Conferencing.

CRM-25439-2020

Prayer in this application is for placing on record copy of application dated 22.06.2020 (Annexure P/11).

Allowed, as prayed for.

Application dated 22.06.2020 (Annexure P/11) is taken on record.

CRM-M-23051-2020 (O & M)

This is a petition under Section 482 Cr.P.C. seeking quashing of order dated 21.07.2020 (Annexure P/5) passed by Additional Sessions Judge, Amritsar, in terms of which, application for directing the Investigating Officer to provide mobile phone numbers of police raiding party involved in case FIR No.111 dated 24.10.2019 under Sections 21, 25 and 29 of NDPS Act, registered at Police Station Special Task Force, District Staff Wing, has been dismissed.

Short reply by way of affidavit of Sikandar Singh, PPS, Deputy

Superintendent of Police, STF Border Range, Amritsar, District Amritsar, has

been filed on behalf of respondent-State.

I have heard learned counsel for the parties.

Learned counsel for the petitioner contends that impugned order dated 21.07.2020 (Annexure P/5) passed by trial Court is liable to be set aside as the same has been passed without application of mind. He further urges that previously petitioner had moved separate application dated 22.06.2020 (Annexure P/11) seeking direction to the mobile phone companies to preserve the call details and tower location of mobile phone numbers of Varmeet Singh, Sikander Singh and Angrej Singh, for the period from 20.10.2019 to 30.10.2019 and the said application was allowed by the trial Court, vide order dated 06.07.2020 (Annexure P/3), whereas vide impugned order dated 21.07.2020 (Annexure P/5), request of petitioner directing the Investigating Officer to provide mobile phone numbers of rest of the police party, has been declined. He further urges that it was specifically pleaded before the trial Court that mobile phone numbers of other police personnel are required for proving the defence of petitioner and as such application dated 22.06.2020 (Annexure P/4) may be allowed.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that impugned order dated 21.07.2020 (Annexure P/5) passed by trial Court is lawful and warrants no interference.

I have heard learned counsel for the parties and have carefully gone through the contents of instant petition, application dated 22.06.2020 (Annexure P-4), impugned order dated 21.07.2020 (Annexure P/5) and reply furnished at the instance of respondent-State.

While having due regard to the contentions of respective parties, it

is observed that petitioner had moved two separate applications i.e. Annexure P/4 and Annexure P/11 both dated 22.06.2020. Vide application dated 22.06.2020 (Annexure P/4), petitioner has prayed for direction to Investigating Officer to provide mobile phone numbers of members of police raiding party to prove his defence, which application has been rejected by trial Court, vide impugned order dated 21.07.2020 (Annexure P/5), whereas another application dated 22.06.2020 (Annexure P/11) seeking direction to the mobile phone companies to preserve the call details and tower location of mobile phone numbers of Varmeet Singh, Sikander Singh and Angrej Singh for the period from 20.10.2019 to 30.10.2019 was allowed by trial Court, vide order dated 06.07.2020 (Annexure P/3). In terms of both applications, as detailed above, intention of petitioner is to prepare his defence. It was incumbent upon the trial Court either to accept the plea of the petitioner in toto i.e. in respect of both applications dated 22.06.2020 (Annexure P/4 and Annexure P/11) or to pass order otherwise, which has not been done in this case.

In view of above, instant petition is allowed. Resultantly, impugned order dated 21.07.2020 (Annexure P/5) rendered by trial Court, is set aside and consequently application dated 22.06.2020 (Annexure P/4) filed by the petitioner seeking direction to the Investigating Officer to provide mobile phone numbers of Police officials of raiding party, details thereof mentioned in the application (Annexure P-4), is allowed.

October 12, 2020
neenu/jitender

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No