

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104 - CR No.2600 of 2020 (O&M)

Date of Decision: 07.12.2020

Amanpreet Kaur

... Petitioner

VS.

Kanwalvir Singh Kang & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Petitioner in person

Mr. Sanjay Kaushal, Sr.Advocate with
Mr. Sudhir Sharma, Advocate for caveator respondent No.1

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Amanpreet Kaur who is stated to be 38 years has filed the present petition *inter alia* with a prayer to set aside the order dated 16.11.2020 (P8) passed by the Additional District Judge, Chandigarh.

The petitioner who appears in person submits by making reference to the pleadings in the petition that she was constrained to file an application under Order 16 Rule 1(3) CPC for summoning the record/call details from the office of State and Cyber Crime Cell, Punjab Police, Phase-4, Mohali. This application of the petitioner was contested by respondent No.1. In the application, as per the petitioner, it was specifically submitted that RW5 was summoned from the office of ADGP Crime, Punjab Police, Sector 9, Chandigarh to bring call details of Kanwalvir Singh Kang obtained in complaint/FIR No.151/2016, Police Station Phase-I, Mohali. It is then submitted that RW5 Sh. Gian Chand ASI from the office of Director, Bureau of Investigation, Litigation Branch, Sector 9, Chandigarh appeared and during examination he said that the summoned call details can only be provided by the office of State & Cyber

Crime Cell, Phase-4, Mohali. It is pleaded that he further stated that two letters dated 05.05.2017 (Ex.RW5/2) and 12.05.2017 (Ex.RW5/1) were written by Ms. Sunmeet Kaur, IPS, AIG Police, Investigation I, Punjab Police, Chandigarh to the State & Cyber Crime Branch, SAS Mohali to send the call details of phone numbers mentioned in these letters. It is further pleaded that requisite call details were never received from the said office. She therefore with emphasis submits that in view of the above situation, it has become necessary to summon the record from the office of State & Cyber Crime Branch, Mohali mentioned in letters dated 05.05.2017 and 12.05.2017.

After giving opportunity to respondent No.1 to file reply, the trial court vide order dated 16.11.2020 has dismissed the said application by observing as under:-

“8. Not only this, the admitted position of this case is that the Hon’ble High Court vide its order dated 14.06.2016 had directed the trial court to finally adjudicate the matter within six months i.e. by 14.12.2016, however, said time was extended for a further period of six months i.e. up to 8.7.2018; and by four months i.e. up to 08.12.2019 by Hon’ble High court vide order dated 8.8.2018. However, the trial has not yet been concluded till date due to continuous recording of evidence of respondents and then in the wake of pandemic due to outbreak Novel Coronavirus (Covid-19). Meaning thereby, this is a time bound case and as per the directions issued by Hon’ble High Court, same has to be disposed of at the earliest. Thus, in the given set of facts, this court is not inclined to allow the present application as the same would further delay the early disposal of the present case.

9. In view of the discussion made above, present application is hereby dismissed being devoid of any merit.”

In view of what has been noticed above, this Court is not inclined to interfere in the present matter. The apprehension of the petitioner that she

the objection at the necessary stage when the arguments in the case before the trial Court commences.

With these observations, no further orders are called and the petition is accordingly disposed of.

07.12.2020

vishal shonkar

(Girish Agnihotri)
Judge

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

Yes/No
Yes/No