

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

CRM-M-6487-2021 (O&M)

Date of decision: 11.02.2021

Parminder Kaur @ Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.S Pheruman, Advocate with
Mr. Tarundeep Kumar, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Petitioner Parminder Kaur @ Rani, an accused in FIR No. 34 dated 10.04.2020, for an offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered with Police Station Behram, District SBS Nagar has filed the instant petition to quash order dated 18.01.2021, passed by Judge, Special Court, SBS Nagar and to give direction to the trial Court to supply certified/uncertified copies of call details of mobile phone Nos.8837560775, 9781516364, 9815931386, 9501986032, 7087653425, 959218088 and 9292313815 for the period from 09.04.2020 to 12.04.2020.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf

of the respondent-State and opposes the prayer made on behalf of the petitioner.

Briefly stated the facts of the case are that, petitioner-accused had filed an application in the Court for preserving the call details of mobile phones in question. Her such application was allowed by the Court, vide order dated 24.09.2020. Thereafter, she moved an application for providing certified copy of the call details of the mobile phones in question. Her such application was dismissed by Addl. Sessions Judge, SBS Nagar, vide order dated 18.01.2021. The relevant part of the order is to the following effect:-

“Perusal of the record of the present case goes to show that the application moved by the applicant for preserving the call details of the aforementioned mobile phones was allowed by this Court vide order dated 24.09.2020. The Challan in the present case has already been presented in the Court. Perusal of the report U/S 173 Cr.P.C goes to show that no record of call details of the aforementioned mobile phones has been appended with the same. Now the question arises before the Court that when no record of call details of the said mobile phones has been attached with the challan, how the certified copies of the same can be supplied to the applicant . The answer is simple in negative. The record of the call details from period 09.04.2020 to 12.04.2020 has been ordered to be preserved by the Court and the same shall be presented as and when it shall be summoned by the Court at the time of evidence of prosecution or the defence. The Court can order to supply the certified copy of a document if the same has been placed on the record of the Judicial file .when the record which is sought by applicant not in the judicial file, certified copy of the same cannot be supplied Thus, the application moved by the

applicant is dismissed being devoid of any merits. However, it is made clear that the findings given by this Court while deciding this application will not effect the case on merits. Paper of this file be attached with the main file.”

I have heard learned counsel for the parties besides going through the record and I do not find any illegality or infirmity in the order in question. The same is quite detailed, well reasoned and result of exercise of discretion in a fair and judicious manner. The call details being not part of the challan, petitioner/accused cannot possibly be supplied certified copy thereof. Learned counsel for the petitioner could not convince me as to how the certified copy of call details of mobile phones in question could be got supplied to the petitioner, when those do not form part of the challan itself. Learned counsel for the petitioner has referred to judgments by the Apex Court in case **V.K. Sasikala Vs. State represented by Superintendent of Police, 2012(9) SCC 771 and Vinubhai Haribhai Malaviya & Ors. Vs. State of Gujarat & Anr. 2020(1) RCR (Criminal) 1**, but those deal with different proposition of law and are not applicable due to different facts of the case. I do not see any reason to interfere with the impugned order by exercising jurisdiction under Section 482 Cr.P.C. The petition is found to be without merit and is dismissed accordingly.

11.02.2021

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**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No