

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

CWP-5436-2021

Date of Decision: 08.03.2021

Prem Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present :** Mr. Sachin Gupta, Advocate,
For the petitioner.

Ms. Mamta Talwar, DAG, Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India, inter alia, seeking issuance of a writ in the nature of certiorari to set aside the orders dated 18.04.2019, 30.07.2019 and 13.10.2020 contained at Annexures P-2, P-4 and P-8, respectively, vide which information sought by petitioner under Right to Information Act has been rejected. While denying information it is stated that same is third party information and cannot be provided under the RTI Act, 2005. The appeals filed by the petitioner have been rejected by the respective authorities on the same analogy.

2. On a query of the Court, learned counsel for the petitioner submits that document sought by the petitioner is required to be produced in the defence of his brother in the criminal trial arising out of FIR under Section 302 IPC, in which his brother is one of the accused.

3. Having heard learned counsel for the parties, I am of the opinion that no interference is warranted in exercise of writ jurisdiction.

Concededly, a third party information has been sought by the petitioner.

That being the position, the petitioner has no *locus standi* to seek information under Right to Information Act as rightly observed vide impugned order dated 13.10.2020 (Annexure P-8). The writ petition is dismissed.

4. Needless to say that the accused who are under trials in a criminal case, if permissible in law, may seek summoning of the relevant records at an appropriate stage of trial and dismissal of the writ petition shall not come in their way to do so, if advised. Petitioner shall be at liberty to seek appropriate remedy in accordance with law.

March 08, 2021
Vandana/ Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No