

Through video conference
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR-652-2021 (O&M).

Satwant Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

* * *

PRESENT Ms. Manmohan Kaur Dhaliwal, Advocate,
for the petitioner.

Mr.H.S.Multani, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present revision petition has been filed for setting aside the order dated 24.05.2021 passed by Judge, Special Court, Ludhiana, whereby, the application filed by the petitioner for preserving the call details, mobile/telephone locations of the police officials who had allegedly conducted a raid and arrested the petitioner alongwith mobile number of the accused and his wife, has been rejected by the learned trial Court.

Learned counsel for the petitioner has submitted that the petitioner had moved an application for preservation of the phone calls of seven persons who have been mentioned in the head note of the application but the same has been rejected by the learned Judge, Special Court on the ground that name of company of the mobile numbers has not been given and further four of the police officials have not been made a party. She has also relied upon judgment of Hon'ble the Supreme Court in Suresh Kumar Vs. Union of India (Crl. Appeal No.1234 of 2014)

Notice of motion was issued by this court on 02.07.2021,

whereby, the State was directed to seek instructions.

Today, learned State counsel on instructions from ASI Rajender singh, who is the Investigating Officer in the present case has stated that the State has no objection, in case the mobile tower locations of all the seven persons mentioned in the application are preserved so as to ascertain the truth. He has submitted that the police officials were the part of of the raiding party and therefore, no prejudice can be caused in case the mobile tower locations are preserved so as to arrive at just decision at the time of trial. He has further submitted that all the necessary cooperation in this regard will be provided by the police.

In view of the stand taken by the learned State counsel and also facts and circumstances of the case, the present petition is allowed and the order dated 24.05.2021 passed by the learned Judge, Special Court, Ludhiana, is set aside. It is directed that all the call details/mobile tower locations w.e.f. 1.7.2020 to 3.7.2020 and complete record of the mobile details of police officials as well as the accused i.e. of all the 7 persons as detailed in the head note of the order dated 24.05.2021 shall be requisitioned by trial Court and preserved. The police shall provide all necessary cooperation in this regard including identifying companies of mobile numbers. The record pertaining to aforesaid persons shall be preserved and the learned trial Court shall thereafter proceed in accordance with law.

July 9, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No