

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

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(Through Video Conferencing)

CRR-1039-2021

Date of decision: 21.09.2021

Vikas Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. D.P.S. Bajwa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning order dated 19.07.2021 vide which the Court below dismissed the applications dated 17.08.2020 and 07.09.2020 annexed with the petition as Annexures P-7 and P-8 respectively filed by him wherein he had sought directions to the mobile phone companies to save the call detail records and WhatsApp conversations of the police officers who were involved in the investigation of the case FIR No.10 dated 12.01.2020 registered under Sections 171, 201, 328, 363, 365, 366, 376, 420 and 506 of the IPC at Police Station Sadar Safidon, District Jind as well as call detail records of the victim and other persons. Besides this, certain bank account statements, insurance policies, air tickets etc. were also sought to be investigated into to prove that the victim was the wife of the petitioner-accused.

Learned counsel for the petitioner urged that the petitioner-accused had been falsely implicated in the case in hand with the active connivance of the investigating agency, family of the victim and some others due to some past history of enmity as well as on account of the

fact that the family of the victim was averse to her relationship with the petitioner-accused.

It was further contended that both the petitioner and the victim had solemnized marriage on 17.12.2018 and had concealed the factum of their marriage from their families. However, once the victim's family learnt about the same, the petitioner and his brother were called by the police and subjected to brutal assault. It was submitted that it was precisely for the aforementioned reasons he wanted to bring on record the phone call records, air tickets, health policies etc. to show that the victim was his wife and a fabricated case had been planted upon the petitioner.

I have heard learned counsel for the petitioner and gone through the material on record including the impugned order.

A perusal of the impugned order reveals that pursuant to applications moved on 16.03.2020 and 17.03.2020 by the petitioner, the Court had ordered the investigating agency to enquire and further investigate upon the documents which had been tendered by the petitioner-accused. Thereafter, all the documents supplied to the investigating agency by the petitioner was investigated. The petitioner in the instant petition is seeking to call for the same documents which have already been investigated into by the investigating agency. The Court below, thus, rightly declined the prayer of the petitioner to order investigation on the same set of documents which had already been investigated into by the investigating agency.

Coming to the prayer of the petitioner to direct the mobile phone companies to preserve the call detail records, this Court does not

find any illegality in the impugned order whereby this prayer too has been declined. It is the admitted case of the petitioner himself which duly finds reflected in his application dated 07.09.2020 (Annexure P-8) that the call detail records and WhatsApp calls are stored and saved by the service providers for only one year and thereafter are deleted unless there are specific directions to that effect from some agency. The petitioner is seeking the preservation of the call details of the period preceding 07.09.2020. The instant petition was filed on 15.09.2021. In the circumstances, as per his own admitted case, call detail records would have been automatically got deleted as it is after more than a year that this Court has been approached.

In the facts and circumstances, this Court is not inclined to invoke its revisional jurisdiction as the impugned order comes across as as a well reasoned one.

Dismissed.

21.09.2021

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No