

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

CRM-M No.5974 of 2022

Date of Decision: 11th February, 2022.

Roshan & Another

...Petitioners

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Pawan Kumar Hooda, Advocate,
for the petitioners.

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MEENAKSHI I. MEHTA, J.

While invoking the jurisdiction of this Court under Section 482 Cr.P.C., the petitioners have moved this petition with a prayer for quashing the order dated 20.01.2022 (Annexure P-6) passed by learned Additional Sessions Judge, Panipat, whereby the application moved by them for seeking the preservation and production of the call detail record of mobile phone No.99915-69752, along-with the tower location thereof, for/during the period from 14.02.2021 to 18.02.2021 as well as for the production of the Consumer Application Form qua the above-said mobile phone number, has been dismissed.

Shorn and short of unnecessary details, the facts culminating in the filing of the instant petition, are that the petitioners are facing trial in the criminal case registered at the instance of complainant-Ritik at Police

Station Samalakha, District Panipat vide FIR No.86 dated 16.02.2021 under Sections 302, 148, 149 of IPC wherein Sections 148/149 IPC are stated to have been deleted and Section 34 IPC is stated to have been added later-on. They (petitioners) moved the above-said application while averring that the presence of the complainant at the spot and the factum of his having witnessed the alleged occurrence, are highly doubtful. The afore-named complainant had mentioned the above-said mobile phone number in his complaint and therefore, the preservation and production of the afore-detailed record qua the said mobile phone number is necessary. However, vide the impugned order, the said application has been dismissed.

I have heard learned counsel for the petitioners in the present petition, at the preliminary stage and have also perused the file thoroughly.

The afore-named complainant has already appeared in the witness-box as PW-2 before the trial Court and Annexure P-2 is the copy of the depositions as made by him during his examination-in-chief. The petitioners will be getting the opportunity to cross-examine him, i.e PW-2. Moreover, the alleged occurrence is stated to have taken place in the presence of one Ashish and his family members meaning thereby that the ocular evidence qua the alleged occurrence may also be led during the course of the trial by way of examining the said persons and again, the petitioners would be given the opportunity to cross-examine such witnesses. In these circumstances, mere call detail record and the tower location of the said mobile phone number and the Consumer Application Form in respect the same, cannot be taken to be the sole ground to test the veracity or to

disprove the version of the prosecution regarding the presence of the complainant at the spot.

Resultantly, the petition in hand, being *sans* any merit, stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

11.02.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No