

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

107

**CRM-M-37372 of 2022
Date of decision :23.08.2022**

Lakhwinder Singh

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Mandeep Kumar Dhot, Advocate, for the petitioner.

SANJAY VASHISTH, J. (Oral)

The present petition has been filed for seeking direction for learned trial Court i.e. Court of Sub-Divisional Judicial Magistrate, Sunam, to decide the application dated 24.06.2022 i.e. CRM No.156 of 2022 (Annexure P-2) which has been moved to preserve the location and call details of mobile No.98764-69608 pertaining to the period from 26.12.2021 to 28.12.2021 which has been moved by the petitioner in case FIR No.76 dated 22.04.2022 under Sections 420, 34, 506, 120-B of IPC, registered at P.S. City Sunam, District Sangrur (Annexure P-1).

Learned counsel for the petitioner further submits that since the call details sought to be preserved pertain to the December 2021, application already moved by the petitioner before the Court below requires to be disposed of at the earliest. Learned counsel for the petitioner further submits that after passing of one year of the period, no record of the call records would be available and that would be detrimental for the defence of the accused and thus, prejudices to the rights of the petitioner/accused would be caused.

Notice of motion.

Mr. J. S. Arora, DAG, Punjab, appears and accepts notice on behalf of respondent-State and after going through the petition, vehemently opposes the prayer of the petitioner.

This Court is of the view that the relief claimed by the petitioner at this stage is only to get the decision over his application dated 24.06.2022 (Annexure P-2) and nothing else.

In view of the submissions made by the parties at this stage, it would be appropriate to direct the learned trial Court i.e. Court of learned Sub-Divisional Judicial Magistrate, Sunam to decide the application presented by the petitioner expeditiously & preferably within a period of two months from the date of receipt of the copy of this order. Moreover, in deciding the application, rights of no body are affected.

Accordingly, the petition is allowed with the aforementioned direction.

Disposed of.

(SANJAY VASHISTH)
JUDGE

August 23, 2022
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>