

213-2

2023:PHHC:071354

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-240-2023

DECIDED ON: 17.05.2023

SIKANDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The present revision petition has been preferred against the order dated 15.12.2022 passed by Addl. Sessions Judge, Panipat, whereby the application seeking directions to the concerned nodal officers of telecom company for preservation and production of call detail records and tower locations of mobile numbers was dismissed, while observing that the material sought by the petitioner to be preserved belongs to the officials and the Duty Magistrate from 20.06.2022 to 22.06.2022.

Learned counsel for the petitioner vehemently urges before this Court, while putting reliance on a judgment in *Suresh Kumar vs. Union of India* passed by the Apex Court reported as 2015 (3) R.C.R. (Criminal) 340, whereby certain guidelines have been framed under which the call details or the digital evidence can be ordered to be protected, as has been mentioned in para 8, which reads as under:-

“All that we are concerned with is whether call details which the appellant is demand can be denied to him on the ground that such details are likely to prejudice the case of the prosecution by exposing their activities in relation to similar other cases and individuals. It is not however in dispute that the call details are being summoned only for purposes of determining the exact location of the officers concerned at the time of the alleged arrest of the appellant from Yashica Palace hotel near the bus stand. Ms. Makhijamadea candid concession that any other information contained in the call details will be of no use to the appellant and that the appellant would not insist upon disclosure of such information. That in our opinion simplifies the matter in as much as while the call details demanded by the appellant can be summoned in terms of section 65B of the Indian Evidence Act such details being relevant only to the extent of determining the location of officers concerned need not contain other information concerning such calls received or made from the telephone numbers concerned. In other words if the mobile telephone numbers caller details of the callers are blacked out of the information summoned from the companies concerned it will protect the respondent against any possible prejudice in terms of exposure of sources of information available to the Bureau. Interest of justice would in our opinion be sufficiently served if we direct the Trial Court to summon from the Companies concerned call details of Sim telephone No. 9039520407 and 7415593902 of Tata Docomo company and in regard to Sim No. 9165077714 of Airtel company for the period 24.02.2013 between 4.30 to 8.30 p.m.. We further direct that calling numbers and the numbers called from the said mobile phone shall be blacked out by the Companies while furnishing such details.

Learned State counsel on instructions submits that he has no

objection for preservation of such call details subject to the condition that the parameters laid down by the Apex Court i.e., to the effect that the call details may be blacked out, but the tower location shall be kept intact along with the details of sim, telephone numbers as well as the telecom operator.

In view of the above, the order dated 15.12.2022 (Annexure P-5) is set aside and the application is accepted with a direction that the tower locations be preserved during the pendency of the trial proceedings with a rider that call details may be blocked out.

In the aforesaid terms, petition stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

17.05.2023

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