

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

Sr. No.113

**CRM-5910-2023 in/and
CRM-M-3403-2019**

Date of Decision : February 10, 2023

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Chandra Shekhar Singh, Advocate, for the petitioner.
Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

CRM-5910-2023

This application has been filed for advancing the date of hearing in the main case from 29.05.2023 to an earlier date.

For the reasons stated therein, the application is allowed. Date of hearing in the main case is advanced to today.

Main case is taken on board.

CRM-M-3403-2019

Learned counsel for the petitioner submits that call detail record annexed as Annexure P-2 clearly shows that mobile number from which call was received was 9041726101 and that the said number has been issued to one Raj Kumar, House No.407, Village Kaimbala, Chandigarh. The petitioner is not that person. He resides in Nayagaon, SAS Nagar Mohali. Thus, there is nothing to connect the petitioner with the incident complained off. The Kalandra dated 17.02.2017 thus deserves to be quashed.

Learned State counsel submits that inadvertently, the mobile number mentioned in the kalandra was 9042726101 whereas actually the same is 9041726101. That apart no other meaningful argument has been raised.

From the above, it is evident that there is nothing on record to connect the petitioner with the incident concerned except the statement of police official. It is possible that the person making the call mentioned a wrong name. Mobile No.9042726101 (inadvertently mentioned as such in the kalandra) also does not belong to the petitioner. There being no link evidence apart from the oral statement of the police official, which is based upon information given to him over the mobile phone cannot be the sole basis of prosecution.

For the reasons aforementioned, the petition is allowed.
Kalandra dated 17.02.2017 is quashed.

February 10, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No