

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

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CRM-M-7181-2023

Date of decision : 10.02.2023

Sonu @ Sanjay

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. A.G., Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing/setting aside the order dated 01.02.2023 passed by learned Additional Sessions Judge, Jind whereby the application filed, in case FIR No.62 dated 26.02.2022 registered under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, Narwana, by the petitioner/accused for preservation of call details record, mobile tower location ID with certificate in terms of Section 65(b) of the Indian Evidence Act was dismissed.

Brief facts of the case are that on the basis of secret information, the police apprehended petitioner-Sonu @ Sanjay and co-accused Ram Kishan @ Kishan and on conducting search in accordance with law 412 grams of heroin was recovered from the petitioner and 102 gram of heroin was recovered from co-accused Ram Kishan @ Kishan. Challan has been present in the trial Court. The petitioner has filed application for preservation of call details record, mobile tower

location ID with certificate which was dismissed by learned Additional Sessions Judge, Jind vide impugned order dated 01.02.2023. Aggrieved against the said order, the petitioner has filed the present petition.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Learned Additional Sessions Judge, Jind vide impugned order dated 01.02.2023 has wrongly dismissed the application filed by the petitioner. The accused has to build up his defence right from the very inception after charges are framed. The call details of the mobile numbers mentioned in the application are required for defence of the petitioner. Therefore, the impugned order may be set aside and the application preferred by the petitioner for preservation of call details record may be allowed. In support of his arguments learned counsel for the petitioner has relied upon the judgement passed by Hon'ble Supreme Court in ***Suresh Kumar Vs. Union of India : 2015(3) RCR (Criminal) 340*** and judgments passed by this Court in ***Upashu and another Vs. State of Punjab and others : 2021(3) RCR (Criminal) 75*** and ***Gagandeep Singh @ Gagan Vs. State of Punjab : 2022(3) RCR (Criminal) 540***.

I have heard learned counsel for the petitioner and gone through the paper-book.

A perusal of impugned order dated 01.02.2023 and application made by the petitioner shows that the petitioner has not mentioned as to whom the mobile numbers, mentioned in the application, belongs and how the call details record and the tower location of these mobiles numbers could prove his innocence.

Therefore, I do not find any fault in the impugned order dated

01.02.2023 passed by learned Additional Sessions Judge, Jind.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

10.02.2023

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(ASHOK KUMAR VERMA)
JUDGE

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