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IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-27096-2023(O&amp;M)

Decided on: 26.05.2023

Jaskaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.K. Khunger, Advocate  
for the petitioner.

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ANOOP CHITKARA, J.

1. Petitioner had come up before this Court seeking quashing the order dated 18.05.2023 (Annexure P-4) passed by the Ld. Judge Special Court, Fazilka dismissing the application of the petitioner for providing mobile location of the police officials as well as of the petitioner dated 06.06.2020 mentioned in the application in trial of the case bearing FIR No.0004 dated 07.06.2020, under Section 18 NDPS Act, registered at State Special Operation Cell, Fazilka, District Fazilka and further for extension of time for deciding the trial of the case because this Hon'ble Court vide order dated 07.02.2023 directed the trial Court to conclude the trial on or before 31.03.2023 which was extended upto 31.05.2023 at the request of the Ld. Trial Court.

2. On the other hand, State counsel submits that since two years had passed of the incident as such the call detail must had been over written and under the statutory directions, the service providers are under no obligation to preserve the call details for beyond two years. There is no judicial order qua preservation of call details and the prayer had already rendered infructuous.

3. Counsel for the petitioner submits that at the time of cross examination of SHO-PW-6- Inspector, Harmeet Singh he had admitted about the cutting/over writing made in statement recorded under Section 161 Cr.P.C. which reflects in his cross-examination. However, after that he took a somersault and tried to explain it. The counsel for the petitioner submits that they want to re-examine him. He further submits that he is intended to move an appropriate application in this regard before the trial

Court, if not he has already been filed. He further submits that this prayer is not part of the present petition.

4. Counsel for the petitioner further submits that this Court directed the trial Court to expediate the trial and had given the time conclude the same till 31.05.2023.

5. given above, trial Court is directed to decide the application for re-examination of witness i.e. PW-6 Harmeet Singh, SHO, before proceeding further in the matter and reasonable opportunity be provided to petitioner to cross-examine the witness, in case application is allowed. Since the time to conclude the trial is granted till 31.05.2023, the same is extended till 31.07.2023 given the application stated to be filed for re-examination of witness.

6. Petition stands disposed of. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)

JUDGE

26.05.2022  
neelam

Whether speaking /reasoned

Yes/No

Whether Reportable

Yes/No