

210(2)

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

**CRR-1694-2021 (O&M)
Date of decision : 14.11.2023**

Kawaljit Singh @ Kamaljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab.

MAHABIR SINGH SINDHU, J.

Present revision petition under Section 401 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*'), has been filed against the order dated 30.09.2021, passed by learned Judge, Special Court, NDPS Act, Barnala, whereby, application of petitioner for preserving record of tower locations of his mobile number, was dismissed.

2. It transpires that the Coordinate Bench, vide order dated 16.12.2021, issued interim direction for preserving the call details of phone number 86996-55489 and for reference, same is recapitulated as under:-

“The present revision petition is directed against the impugned order dated 30.09.2021 passed by Special Judge, Barnala, whereby the application filed on behalf of the

petitioner for preserving the tower locations of respective mobile No.86996-55489 of petitioner-Kamaljit Singh s/o Gurcharan Singh w.e.f. 25.4.2021 to 30.4.2021, was dismissed.

Learned counsel for the petitioner would contend that the main ground for rejection of the application was that the petitioner has not averred as to for what purpose the preservation of tower location of the said mobile number was required. He further contended that even in the impugned order, it is mentioned that the petitioner wanted the tower location of his mobile number to prove that he never went to the alleged place of recovery nor he was arrested from there and a false case has been fastened upon him.

I have perused the impugned order, which is self contradictory.

On the one hand, the learned judge has mentioned that the purpose of the application is for showing the location of the petitioner on the date of alleged occurrence and on the other hand, the learned judge has observed that no purpose of preservation of the tower location of the said mobile number has been mentioned.

Notice of motion for 25.01.2022.

In the meantime, necessary direction be issued to the concerned for preserving the call details of the phone of petitioner being No. 86996-55489 from 25.4.2021 to 30.4.2021.”

Also acknowledged by both sides that the aforesaid interim direction is still continuing.

3. In view of the above and with consent of both sides, interim arrangement dated 16.12.2021 shall continue. Learned trial Court shall proceed in the matter as per law, expeditiously and progress report in this regard be sent to the Registry by 31.03.2024.

4.

Disposed off accordingly.

5. Pending application(s), if any, shall also stand disposed off.

14.11.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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