

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-55144-2019 (O&M)

Reserved on: 31.08.2023

Pronounced on: 29.09.2023

Paramraj Singh Umranangal

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- None for the petitioner(s).

Mr. Gaurav Garg Dhuriwala, Addl.A.G, Punjab.

ANOOP CHITKARA, J.

Aggrieved by orders dated 15.11.2019 (Annexures P-10 to P-12), passed by Sessions Judge, Faridkot, whereby (i) application for calling record and status report in cross case pertaining to FIR no.192 dated 14.10.2015 under Section 307 IPC, P.S. City Kotkapura; (ii) application under Section 91 CrPC for summoning record and documents pertaining to said FIR No.192 dated 14.10.2015 and (iii) application for retaining call details including internet usage of witnesses in FIR No.129 dated 7.8.2018 under Sections 307, 326, 324, 323, 341, 201, 218, 120-B IPC and Section 27 Arms Act, P.S. City Kotkapura, have been dismissed, the petitioner has come up before this Court under Section 482 CrPC.

2. In nutshell, the FIR No.192 dated 14.10.2015 was registered because of sacrilege incident at Kotkapura and similarly, FIR no.129 dated 7.8.2018 was registered on the allegations of the SIT that the police officers/officials had intentionally used excessive force on peaceful demonstrators. The petitioner was arraigned as one of the accused in the said FIR.

3. Petitioner is unresponsive from the last five dates of hearings. After hearing the State counsel, the matter was reserved. I have gone through the grounds taken in the petition.

4. Annexure P-10 is the impugned order passed in I.A. Application No.3 of 2019,

vide which, records and status reports of FIR no.192 dated 14.10.2015 under Section 307 IPC, P.S. City Kotkapura and FIR No.129 dated 7.8.2018 under Sections 307, 326, 324, 323, 341, 201, 218, 120-B IPC and Section 27 Arms Act, P.S. City Kotkapura were sought by the petitioner. For the reasons that both the FIRs relate to one and the same incident, as such, status reports in both FIRs are essential.

5. Learned Sessions Judge after hearing the both the parties dismissed the applications on the grounds that investigation of FIR No.192/2015 was not completed and no report was filed in Court under Section 173 CrPC, whereas in other FIR i.e. FIR No.129/2018, SIT had completed the investigation.

6. It remains undisputed that at the time of decision of the application, the investigation in FIR No.192/2015 was not complete and no report under Section 173 CrPC had been filed. As such, the said application was certainly immature and there is no illegality in the impugned order and the same is upheld.

7. Annexure P-11 is the impugned order passed in I.A. Application No.1 of 2019, vide which, the petitioner had filed an application under Section 91 CrPC for summoning whole records pertaining to FIR No.192/2015. Once investigation was not complete in the said case, there was no justification to file said application, which was certainly immature. Furthermore, Section 91 CrPC empowers the Court to issue summons or order any person to produce the required document, but the petitioner did not show any reason as to how he was entitled to file such an application within the parameters and scope of Section 91 CrPC. This, there was no illegality in the said order and same is upheld.

8. As regards the order Annexure P-12, the petitioner had filed an application to retain the record of incoming and outgoing call details, tower locations and ownership of mobile connections including internet usage. However, the petitioner did not justify any reason to file such an application and without placing any material, showing any prejudice having been caused to him, he straightaway filed the said application. Even otherwise, the application to requisition the call details was filed in 2019 and the incident was of 2015 and the call details are preserved for a limited period i.e. for one or two years, depending upon the notification of the State. Regarding ownership of mobile connections, if the petitioner had any issues, it was always open for him to take up such pleas at appropriate stage i.e. when the trial commenced by cross-examining the witnesses in this regard or at the stage of examination of accused under Section 313 CrPC or leading defence evidence. Thus, the Sessions Court has rightly held that there was no ground to summon or produce the call details, show tower locations or

ownership of mobile connections including internet usage and there is no illegality in the said order also.

9. Given above, there is no merit in the present petition. Even otherwise, the present petition has been rendered infructuous, as observed in the order dated 09.04.2021 passed by a Co-ordinate Bench of this Court in CWP No.17459 of 2019 and CWP No.17460 of 2019 titled as Gurdeep Singh and others Vs. State of Punjab and others, in which, the investigation conducted in FIR No.129 dated 07.08.2018, under Sections 307, 326, 324, 323, 341, 201, 218, 120B and 34 IPC and Section 27 of the Arms Act, registered at Police Station Kotkapura, District Faridkot as well as FIR No.192 dated 14.10.2015 under Sections 307, 353, 332, 333, 323, 382, 435, 283, 120B, 148 and 149 IPC, Section 25 of the Arms Act and Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984, at Police Station City Kotkapura, District Faridkot and the consequent charge-sheet have been quashed and in pursuance of the directions issued in para No.80 of the said judgment, a fresh report under Section 173 Cr.P.C. has been prepared and submitted before the Court.

10. Accordingly, the present petition is dismissed.

(ANOOP CHITKARA)
JUDGE

September 29, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No