

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRR No.425 of 2024 (O&M)

Amit Nain
... Petitioner
Versus
Central Bureau of Investigation, ACB Chandigarh
... Respondent

2. CRR No.359 of 2024 (O&M)

Amit Nain
... Petitioner
Versus
Central Bureau of Investigation, ACB Chandigarh
... Respondent

Date of decision: 4th April, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwarpal Singh, Advocate for the petitioner.
Mr. Prateek Gupta, Advocate for the respondent/CBI.

MANJARI NEHRU KAUL, J.

CRM No.9445 of 2024

The instant application has been filed for condonation of delay of 33 days in filing the revision.

In the light of averments made in the application and in the interest of justice, the same is allowed and delay in filing the revision petition is condoned.

CRR Nos.425 & 359 of 2024 (O&M)

1. The petitioner is impugning order dated 17.10.2023 passed by the learned trial Court, vide which his application seeking preservation of call detail records, tower locations and satellite location of mobile numbers of persons mentioned therein was dismissed.

2. Since both the revision petitions detailed hereinabove pertain to the same case bearing R No.RCCHG2022A0026 dated 01.09.2022 under Sections 201 of the IPC and Section 7 of PC Act registered at Police Station CBI, ACB, Chandigarh, they are being taken up together for disposal by way of this common order.

3. Learned counsel for the petitioner submits that the petitioner had filed an application before the trial Court seeking call detail record (CDR), tower locations and satellite location of mobile phone numbers of Sonu Kumar Security Guard, Ravinder Kumar MTS, Puneet Wadhwa Sr. SSA and landline phone numbers of EPFO District Office, Panipat. The said application was dismissed by the trial Court vide impugned order dated 17.10.2023.

4. The petitioner also filed an application before the trial Court seeking preservation of CDR, tower locations and satellite location of mobile phone numbers of Inspector Sonal Mishra, Inspector Arnav Ghosh, Inspector Sandeep Kumar Dhawan, Inspector Romy Paul, Inspector Sukhram Pal, ASI Jaswinder Singh, Ajay Kumar TLO and Rajesh Kumar complainant. The said application was partly allowed by the trial Court qua the CDR and location report of mobile

numbers belonging to Inspector Sonal Mishra (Verification Officer), Ajay Kumar (Trap Laying Officer) and Rajesh Kumar (complainant).

5. Learned counsel submits that the CDR and the location detail of other officers, who too were part of the police team were required for the just, fair and equitable decision of the case. However, the said fact was not appreciated by the trial Court while passing the impugned order.

6. It has been further submitted that since the respondent/CBI had made some calls to the phone number of Ravinder Kumar MTS as well as the phone number of Sonu Kumar Security Guard and Puneet Sadhwa Sr. SSA, their CDR would also be relevant for the just adjudication of the instant case so that the innocence of the petitioner could be proved during trial as it was evidently a case of false implication which was planted upon the petitioner when he was not even in the country.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. No doubt, the Court while deciding an application under Section 91 of the Cr.P.C. must be alive to the rights of an accused for fair trial, however, at the same time, it must also be kept in mind that these powers cannot be exercised in a routine manner.

9. The petitioner has sought call detail records of Inspector Arnav Ghosh, Inspector Sandeep Kumar Dhawan, Inspector Romy Paul, Inspector Sukhram Pal, ASI Jaswinder Singh on the ground that

they too were part of the police party. However, no reason or explanation much less cogent or convincing has been offered by the learned counsel as to why preservation of the CDR pertaining to their mobile phones would be necessitated, more so when the call details of the Verifying Officer, Trap Officer and the Complainant have already been ordered by the trial Court to be preserved. It must be borne in mind that the CDR and location records of police officials cannot be casually summoned under Section 91 of the Cr.P.C. by the Courts as it cannot encroach on the privacy of the police officials, who deal with sensitive information as it could also put to risk their safety and expose the identity of their secret informers.

10. The petitioner has further sought call detail records and location details of Sonu Kumar Security Guard, Ravinder Kumar MTS, Puneet Wadhwa Sr. SSA and landline phone numbers of EPFO District Office, Panipat by citing a rather flimsy ground that calls have been made to their mobile phone numbers, which in the considered opinion of this Court cannot be a reason convincing enough to allow the prayer made by the petitioner, more so when neither the names of these persons have been mentioned in the challan nor have they been cited as prosecution witnesses.

11. In the aforementioned facts and circumstances, this Court does not find any illegality or infirmity in the impugned order. Both the revision petitions stand dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 4, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No