

113
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19660-2024 (O&M)
Date of decision: 23.04.2024

Bhawna Khaneja
... Petitioner

Vs.

State of Punjab and another
... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 27.02.2024 (Annexure P-7) passed by learned Sub Divisional Judicial Magistrate, Rajpura, vide which application filed by the petitioner under Section 154 of the Indian Evidence Act, in FIR No.129 dated 04.07.2015 under Sections 354, 354A, 506 of the Indian Penal Code, 1860, Police Station City Rajpura, District Patiala, seeking permission to cross-examine PW3 SI Nahar Singh, has been dismissed.
2. Learned counsel for the petitioner, *inter alia*, contends that perusal of final report filed under Section 173 Cr.P.C. clearly indicates that call details of the accused had been attached. However, when cross-

examination of the Investigating Officer SI Nahar Singh was conducted, it transpired that although it has been mentioned that call details are part of the final report, but in fact these were not attached and learned Public Prosecutor failed to point out the objections in this regard. The accused approached this Court by filing a petition under Section 482 Cr.P.C. seeking quashing of FIR (*supra*), in which he relied upon the call details.

3. Learned counsel for the petitioner submits that this petition may be disposed of, however, liberty may be granted to the petitioner to file an application under Section 91 Cr.P.C.

4. Learned State counsel appears on advance notice and submits that he has no objection in case the petitioner may be allowed to file an appropriate application seeking production of call details, if any.

5. Having heard learned counsel for the parties and keeping in view the limited prayer made by learned counsel for the petitioner, present petition is disposed of with a direction to learned trial Court that in case the petitioner files an application under Section 91 Cr.P.C., same shall be decided, in accordance with law.

23.04.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No