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

CRM-48286-2024 in/&
CRM-M-50985-2024
Decided on : 09.12.2024

Narpinder Singh @ Sunny

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishva Nath Sharma, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

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This is an application under Section 482 Cr.PC for preponing the date of hearing from 29.01.2025 to an early date.

After hearing learned counsel for the applicant and perusing the paper book, application is allowed and the main case is taken up on Board for hearing today itself.

Main case

1. The petitioner has filed the instant petition challenging the order 05.09.2024 (Annexure P-3) passed by learned JMIC, Ludhiana whereby his application seeking directions to the prosecution and concerned officials to procure the mobile location records of certain



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police officials and witnesses was dismissed. In addition, a prayer has also been made for issuing directions to respondents No.2 to 4 to decide application date 12.07.2024 (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner, a former Deputy Superintendent (Administration) of the Punjab Jail Department, has been falsely implicated in an FIR registered for offences under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC. Learned counsel submits that the FIR is based on fabricated facts including a claim that a “naka” was set up at Ram Darbar Mandir, Sector 39, Ludhiana, on the date of the alleged incident. It is argued that no such “naka” was present on the specified date and that the mobile location records of the concerned police officials and witnesses is essential to prove the falsity of the case of the prosecution.

3. Learned counsel for the petitioner further submits that the petitioner filed an application on 12.07.2024 before the learned trial court, seeking directions to procure the mobile location records. However, the application was erroneously dismissed on 05.09.2024, with the learned Trial Court holding that no sufficient reason had been provided to justify the request. Learned counsel asserts that the requested information is vital for proving the innocence of the petitioner. Hence, a prayer has been made for setting aside the impugned order.



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4. After considering the submissions and examining the material on record, this Court does not find any illegality or infirmity in the impugned order.

5. Learned Trial Court had rightly observed that the petitioner had failed to provide adequate reasons to support his application. The petitioner was unable to demonstrate how the mobile location data was indispensable to his defence at the current stage of the proceedings, particularly, when the case is still at the stage of consideration of charge.

6. Additionally, learned counsel for the petitioner has not been able to satisfy this Court qua the relevance of the requested data. The case, as it stands is primarily based on documentary evidence, and the learned counsel for the petitioner has not shown how the mobile location records of the police officials and witnesses would materially impact the case of the prosecution or aid in uncovering the truth.

7. The findings of the learned trial Court that the application of the petitioner was speculative and lacked sufficient justification are well reasoned. Mere assertions regarding the falsity of the case of the prosecution, without substantiating the necessity or relevance of the requested information, cannot form the basis for allowing such an application.

8. In the light of the above, this Court finds no reason to interfere with the impugned order dated 05.09.2024. The present petition, being devoid of any merit, is accordingly dismissed.



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9. 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.

09.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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