

CRR-2931-2023 (O&M)
Decided on: 09.01.2024

Vinod Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Yadav, Advocate for the petitioner.

Ms. Shubhra Singh, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	06.06.2022	State Vigilance Bureau(H), Karnal	7 of Prevention of Corruption Act 1988

Aggrieved by the dismissal of applications (Annexure P-2 & P-3) filed by the petitioner before the Additional District Judge, Jind, seeking directions to Superintendent of Police, Jind and concerned Telecommunication company to produce the CDRs with tower locations, IPD and GPRs History details of mobile phone numbers along with certificate under Sections 65-A & 65-B of Evidence Act, petitioner has come up before this Court.

2. In para 3 of the application it has been mentioned that “That the direction is immediately required to be given to telecommunication company to preserve the concerned record, so that the accused-petitioner may be able to summon the same at the appropriate stage during the trial in order to show that the accused/police officials were not present at the spot for investigation at the relevant time.” Except this one cryptic line, there is no reason and no explanation has been mentioned to justify the preservation of call records. A perusal of the phone numbers whose calls are required are of police officials and this court cannot order to preserve all the calls on such a cryptic application which has no reason or basis except bald statement that they were not present at the spot. The petitioner did not seek any inquiry and learned Sessions Judge after passing a detailed order dismissed the application. Petitioner’s counsel submits that in the petition, he has specifically

mentioned the reasons to preserve call records and the same be treated as part of the application before the Sessions Court. However since the trial Court has already adjudicated the matter, this Court cannot consider any additional plea taken up in this petition. Petitioner's counsel further submits that grave injustice have been caused to him for the reason that majority of the police officials were not present at the spot and in case, calls are not preserved then system will over-write them and he will loose the data. On a query from this Court that why the reasons for preservation are not mentioned before the trial Court, petitioner's counsel submits that he be permitted to file a fresh application before the trial Court within ten days by mentioning all the reasons for such preservation.

3. Considering the petitioner's specific stand of false implication and the fact that in the first application, petitioner did state that police officials were not present at the spot and because the application is cryptic, the petitioner is permitted to file a fresh application by 31.01.2024. It is clarified that in case, the petitioner files a fresh application by the said time period, then the reasoning given in the impugned order dated 20.11.2023 passed by the Additional District Judge shall not come in the way and the trial Court shall decide the application afresh, subject to the condition that the petitioner shall give specific reason against every police official whose call details he wants to preserve. It is clarified that the petitioner shall mention complete reasons supported by specific stand to justify preserving the call details of each police officials by giving reasons separately. It is further clarified that if the application is not filed by 31.01.2024, liberty mentioned in this order shall stand automatically recalled without any further reference to this Court.

4. Petition is disposed of with the aforesaid observations. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

09.01.2024
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.