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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9882/2024**
JITENDER BAHADUR SINGHPetitioner
Through: **Mr. Nitin Joshi, Adv.**

versus

UNION OF INDIA & ORS.Respondents
Through: **Ms. Aakanksha Kaul, Ms. Rhea Borkotoky, Advs. with Ms. Tanisha Verma (GP) for R-1/UOI.**

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **22.07.2024**

CM APPL. 40559/2024 –Ex.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 9882/2024 & CM APPL. 40558/2024 –Stay

3. The petitioner has approached this Court by way of the present petition filed under Article 226 of the Constitution of India assailing the order dated 05.03.2024 passed by respondent no. 3 / the Confirming Authority for the General Security Force Court (in short “GSFC”) held against the petitioner between 17.08.2023 to 30.09.2023.
4. Vide the impugned order, the Confirming Authority has while examining the findings of the GSFC held against the petitioner at SHQ BSF Indreshwar Nagar, Jammu from 17.08.2023 to 30.09.2023 wherein he was held ‘not guilty’ of both charges, has remanded back the matter for revision



trial.

5. Learned counsel for the petitioner submits that while passing the impugned order, the confirming authority has issued directions for extracting of call details of the petitioner's mobile would be clearly violative of his right to privacy. Furthermore, directions have been issued for a fresh medical examination of the complainant without appreciating that no useful purpose will be served by her medical fresh examination at this belated stage when the purported incident pertains to the year 2021.

6. On the other hand, Ms. Aakanksha Kaul, learned counsel for the respondents, who appears on advance notice, submits that in pursuance to the impugned order, the GSFC had already assembled wherein the fresh medical examination of the complainant stood concluded. She further submits that other information in respect of the data from the petitioner's mobile phone and the complainant's mobile phone has also been received but could not be tendered before the GSFC, due to non-availability of the concerned witness. On instructions, she assures the Court that the data received regarding the call details of the petitioner and the complaint will not be shared with any third party but will be perused only the members of the Court including the prosecutor and the defence counsel. The said statement is taken on record.

7. In light of the aforesaid assurance given by the respondents noted in para 6 hereinabove and taking into account that the impugned order has already been implemented partly, we find no reason to interfere with the same at this stage. We, however, make it clear that this Court has not expressed any opinion on the merits of the petitioner's challenge and therefore, in case, the petitioner is aggrieved by the findings of the GSFC or



any other order passed by the respondents, it will be open for the petitioner to seek legal recourse as permissible under law.

8. The petition is disposed of with the above observations.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 22, 2024/ab