

2025:PHHC:054546



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.135

CRM-M-22115-2025 (O&M)

Date of decision : 28.04.2025

Jangir @ Jangi

..... Petitioner

VERSUS

State of Haryana through Home Department, Chandigarh Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mrs. Renu Dhull, Advocate, for the petitioner
Through video conferencing.

KIRTI SINGH, J. (Oral)

1. By way of the present petition prayer is made for quashing of the impugned order dated 07.03.2025 (Annexure P5) passed by the learned Addl. & Session Judge, Kaithal in FIR No.252 dated 27.06.2024, registered under Sections 323, 354, 354-A, 354-B & 506 IPC (Sections 376 & 511 IPC were added later on), at Police Station Pundri, District Kaithal, whereby the application under Section 91 Cr.P.C. seeking tower location and call details filed by the petitioner was dismissed without appreciation of the facts and evidence on record.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case at the instance of the complainant-victim. She further submits that the petitioner had filed an application before the trial Court seeking preservation of call details record, tower locations of mobile phone of persons mentioned in application (Annexure P4). The said application was dismissed by the trial Court vide impugned order dated 07.03.2025 (Annexure P5). She further submits that there are discrepancies in the version of the victim regarding place of the

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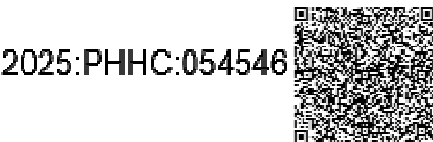


alleged occurrence as also their presence at the police station on the said date, to establish which call details and tower locations would be the best evidence. Therefore, the call details record and the location details of the persons mentioned in the application are required officers, who too were 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 said impugned order.

3. Heard.

4. Trite to say that although while deciding an application under Section 91 of Cr.P.C., Courts must be alive to the rights of an accused for fair trial and to be able to present best possible evidence in support of his case; however, at the same time, it must also be kept in mind that these powers cannot be exercised as a matter of routine, and mere *ipse dixit* cannot be made the basis of seeking the invocation of the powers of the Court.

5. The petitioner had sought the call details of 21 persons, who were not even made party to the application moved before the trial Court for that purpose. It was observed by the trial Court in the impugned order that the prosecutrix and her husband had already been examined and the remaining witnesses were police officers. However, the learned counsel has offered no cogent or convincing reasoning to satisfy this Court as to why preservation of the call details record pertaining to their mobile phones would be necessitated as being a relevant, much less vital piece of evidence to prove the innocence of the petitioner. It must be borne in mind that the call details record and location records of the police officials cannot be casually summoned under Section 91 of Cr.P.C. by the Courts so as to encroach on their privacy, they being persons who deal with sensitive



information, as it could also put to risk their safety and expose the identity of their secret informers.

6. In the aforementioned facts and circumstances, this Court does not fine any illegality or infirmity in the impugned order. The present petition stands dismissed.

7. 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.

Pending miscellaneous application(s), if any, also stand(s) disposed of.

(KIRTI SINGH)
JUDGE

28.04.2025
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No