

2025:PHHC:078432



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

127

- (1) CRM-M-36767-2023 (O&M)
(2) CRM-M-40955-2023

SURESH CHAND MEENA

...Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION THR. ITS DIRECTOR AND
ANOTHER

...Respondent

Date of decision: July 02, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.S. Dhindsa, Advocate
for the petitioner.

Mr. Akashdeep Singh, S.P.P., CBI.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-22812-2025 and CRM-22794-2025

The instant applications have been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record order dated 19.05.2025 (Annexure A-1) passed by learned Special Judge, CBI, SAS Nagar.

In view of the averments made in the instant applications, the same are allowed and Annexure P-1 is taken on record.

CRM-22813-2025 and CRM-22795-2025

The instant applications have been filed under Section 528 BNSS seeking advancement of the date of hearing in the main case.

Notice in the applications.



On the asking of the Court, Mr. Akashdeep Singh, S.P.P., CBI accepts notice on behalf of the respondent-CBI.

In view of the averments made in the applications, the same are allowed, and the main cases are taken on board today itself.

Main case

1. The instant petitions have been filed under Section 482 of Code of Criminal Procedure, 1973 seeking issuance of directions to summon and preserve call details, tower location and CAF (application form) of Phone No.97792-41203, 73555-22555 of Jio, 99885-54439, 96901-66661 and 97800-23219 of VI, 98762-24788 of Airtel for the period from 01.08.2021 to 30.09.2021 for effective cross examination of the prosecution witnesses by way of setting aside the impugned order dated 16.11.2022 (Annexure P-6) arising out of FIR No.RC0052021A0021 dated 03.09.2021 under Section 7 of Prevention of Corruption Act, 1988, registered at CBI, ACB, Chandigarh.

2. Learned counsel for the petitioner contends that the learned trial Court erred in mechanically rejecting the application dated 01.12.2021 (Annexure P-4), without proper consideration or hearing. The said application sought a direction for summoning and preserving call records relating to the following individuals: -

- (i) The complainant,
- (ii) Jagtar Singh (father of the complainant),
- (iii) Gurvinder Singh, Deputy Chief Engineer,
- (iv) Naresh Kumar, Inspector, CBI, ACB, Chandigarh,
- (v) Suresh Singh Rathore, Verifying Officer.



3. It is argued that the FIR in the instant case is based significantly on telephonic communication, and therefore, the preservation and production of CDRs of the above individuals is imperative for ensuring a fair trial and for effective cross-examination of prosecution witnesses.

4. Learned counsel submits that the right to a fair trial includes the right to obtain exculpatory evidence and delay in seeking such CDRs could result in the loss of crucial material due to the two-year retention limit prescribed under Telecom Regulations.

5. Specific emphasis has been laid by the learned counsel on the call records of Gurvinder Singh for the period from 01.08.2021 to 30.09.2021, alleging that he was actively associated with the complainant and the Investigating Officer and was involved in the functioning of the relevant Department (RCF).

6. *Per contra*, learned Standing counsel for the CB, while opposing the petition, submits that the present plea is both legally untenable and factually misconceived. It has been pointed out that the earlier application of the petitioner under Section 91 Cr.P.C. was duly considered and rejected vide a reasoned order dated 16.11.2022 by the learned trial Court, which attained finality as the petitioner did not challenge the said order through revision or appeal.

7. It has been further argued by the learned Standing counsel for the CBI that the present petition filed under Section 482 Cr.P.C. after 8 months of the order of the learned trial Court is a disguised attempt to



reopen issues already adjudicated and amounts to the abuse of the process of law.

8. On merits, it has been submitted that the petitioner has not demonstrated how the CDRs of 6 mobile numbers including those of individuals not named in the FIR or cited as prosecution witnesses (notably Gurvinder Singh), are relevant or necessary for the defence. It is contended that Gurvinder Singh has no recorded involvement in the investigation, verification or trap proceedings.

9. Learned Standing counsel for the CBI has further submitted that the relevant call records of the complainant, Verifying Officer and trap-laying officer have already been seized and are part of the chargesheet. Seeking additional CDRs of unrelated individuals may jeopardize the confidentiality of sources and impair the integrity of the investigation.

10. I have heard learned counsel for the parties and perused the relevant material placed on record.

11. Upon perusal of the application dated 01.12.2021 (Annexure P-4), this Court finds that the petitioner has failed to make any specific, cogent or detailed averments explaining the relevance or necessity of the requested call records to his defense.

12. There is no allegation against Jagtar Singh or Gurvinder Singh concerning the demand or receipt of any illegal gratification. In fact, Gurvinder Singh is neither an accused nor a prosecution witness nor is he



linked in any capacity to the trap proceedings. The application is completely silent as to how his call records are relevant.

13. The submissions made by the learned counsel for the petitioner that such CDRs may assist (in effective cross-examination) is vague and does not meet the threshold of specificity required under Section 91 Cr.P.C. The power under Section 91 Cr.P.C. is not to be exercised to enable phishing or roving inquiries, especially where the request pertains to senior officers and personnel of the CBI, whose records may contain sensitive or confidential communications.

14. Furthermore, the application moved by the petitioner does not distinguish between the nature and purpose of the CDRs sought for each individual number. There is a complete lack of clarity or justification regarding how each requested record relates to the defense of the petitioner.

15. The learned trial Court, in its order dated 16.11.2022, has given cogent reasons for declining the application, and no infirmity or perversity is found in its reasoning. The failure by the petitioner to challenge that order in appropriate proceedings further weakens his case. Invocation of Section 482 Cr.P.C. after considerable delay and without exhausting other remedies, is not justified.

16. In view of the above, this Court is of the considered opinion that both the present petitions are devoid of any merit. The petitioner has failed to demonstrate the legal necessity and relevance of the material



sought, and the petitions appear to be an attempt to re-agitate matters conclusively determined by the Hon’ble High Court.

- 17. Accordingly, both the instant petitions stand dismissed.
- 18. Photocopy of this order be placed on the file of the connected case.

July 02, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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