

**LPA-173-2020****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(257)****LPA-173-2020****Date of Decision : May 07, 2026****Mahender Singh Chawla****.. Appellant****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Gaurav Tyagi, Advocate, for the appellant.

Ms. Anu Pal, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present Letters Patent Appeal, the challenge is to the order dated 15.11.2019 passed by the State Information Commission, Haryana by which, the application filed by the appellant for the grant of certain information was declined by placing reliance upon Section 8 (1) (h) of the Right to Information Act, 2005 (hereinafter referred to as 'RTI Act') read with the provision of Section 172 (3) of the Code of Criminal Procedure, 1973, which order has been upheld by the learned Single Judge while dismissing the writ petition vide order dated 17.12.2019 passed in CWP No.36572 of 2019.

2. Learned counsel for the appellant submits that in case the jurisdiction under Section 8 (1) (h) of the RTI Act is to be invoked, then a finding has to be recorded how the said grant of information will impede the process of investigation or the prosecution of offenders.



3. Learned counsel for the appellant further submits that as no such observation has come, the jurisdiction under Section 8 (1) (h) of the RTI Act could not have been invoked either by the Department or by the State Information Commission so as to supply the information asked for, hence, respondents be directed to release the said information.

4. Learned counsel for the appellant further submits that the appellant is the victim and therefore, the said Rule can only be brought into operation in case, any accused seek the information and therefore, Section 8 (1) (h) of the RTI Act has wrongly been invoked in the facts and circumstances of the present case.

5. Learned counsel for the appellant further submits that in some of the cases, the information has already been given but whereas, the same was being denied, which amounts to pick and choose causing prejudice to the interest of the appellant.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that Section 8 (1) (h) of the RTI Act which has also been reproduced by the learned Single Judge in the order dated 17.12.2019 is very clear that no information which would impede the process of investigation or apprehension or prosecution of offenders, can be given. In the present case, the information in the case diary maintained by police during investigation was being sought, which record is only for the purpose of the trial. Hence, keeping in view the facts and circumstances of the present case, invoking of Section 8 (1) (h) of the RTI Act is perfectly valid and legal.

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8. The argument has been raised that Section 8 (1) (h) of the RTI Act can only be invoked in case any information is sought by the accused.

9. A bare perusal of Section 8 (1) (h) of the RTI Act would show that the reason given is that the grant of the information sought for would “impede the process of investigation or apprehension or prosecution of offenders”. In case, any such information given even to the victim is likely to affect the prosecution of offenders to their disadvantage also, the said clause can be invoked.

10. Nothing has come on record that it is not to be invoked where the victim is claiming the information even if such information will be covered under Section 8 (1) (h) of the RTI Act.

11. Keeping in view the totality of the circumstances, the orders passed by the authorities as well as by the learned Single Judge needs no interference at the hands of this Court.

12. Accordingly, the appeal is dismissed.

13. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

May 07, 2026
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No