



**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-672-2026

Date of decision: 16.03.2026

GURCHARAN SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present revision petition has been preferred against the order dated 10.12.2025 passed by learned Additional Sessions Judge, Fazilka, vide which, application moved by applicant-Seema Rani for preserving mobile tower location from 03.12.2025 at 7:00 PM to 04.12.2025 till 5:00 AM and for preserving call detail record from 04.12.2025 to 07.12.2025 of mobile No.85690-82287 of the petitioner has been allowed.

2. Learned counsel for the petitioner contended that though the electronic records are admissible in evidence but call detail records constitute personal data and their preservation directly infringes the right to privacy guaranteed under Article 21 of Constitution of India. The present case is not a case of recovery effected by a single person as the search of the accused persons was jointly conducted by BSF officials and police officials and the petitioner was not a member of police party which effected the recovery. Furthermore, it is not possible to plant such a huge recovery upon the accused



persons and the impugned order has been passed in a mechanical manner. In support of his contentions, learned counsel placed reliance upon the judgment passed by Hon’ble Supreme Court in *K.S. Puttaswamy and another vs. Union of India (2017) 10 SCC 1* and submitted that the accused cannot be given a scope, which in any manner intrudes into the right of privacy of others. As such, learned counsel prayed for setting aside the impugned order.

3. Mr. Anup Singh, AAG, Punjab, present in the Court, accepted notice on behalf of respondent-State and submitted that there is a previous enmity between the parties. The order passed by the trial Court is well-reasoned and it is only for preservation of tower location and for call detail record of the petitioner. Moreover, at an appropriate stage, it will be decided whether the accused are allowed to lead the evidence or not and as per the criminal jurisprudence, the accused has right to a fair trial.

4. Heard.

5. Keeping in view the fact that the matter is still under investigation; challan has not been presented in the present case; said tower location and call detail records were allowed to be preserved to avoid the possibility of false implication of any innocent person as there is a previous enmity between the parties, hence, this Court finds that the impugned order was passed in the interest of justice, and in view of the same, the present petition lacks merit.

6. Dismissed.

March 16, 2026
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |