



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

Sr.No.131

**CRM-M-30991-2026
Decided on : 27.05.2026**

Parveen Kumar Bindal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Vivek Aggarwal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. The petitioner has preferred the instant petition under Section 528 of the BNS, 2023, seeking issuance of directions to the official respondents for taking appropriate actions including informing the concerned Nodal Officers of call service providers/mobile companies for preserving the call details records and tower locations of persons, mentioned in para No.8 of the instant petition as he has been falsely implicated in case FIR No.385 dated 07.07.2025, registered under Sections 21(c), 22(c), 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Sections 27-A of the NDPS Act and Section 347(1) of BNS, 2023 and Section 483 IPC added lateron), at Police Station Assandh, Karnal.



2. Learned counsel appearing for the petitioner *inter alia* contends the petitioner has been falsely implicated in the afroesaid FIR (Annexure P-1). He further contends that the petitioner was arrested from different location and at a different time which is much earlier to the time as shown in the FIR which casts a serious doubt on the prosecution story and in order to support the said fact, the petitioner has already placed on record the CCTV recordings/photographs in another petition i.e. CRM-M-64983-2025 for transfer of investigation which is pending before this Court for 14.07.2026. He further contends that in order to build up his defence, the petitioner moved an application for summoning, preserving and production of call detail records and tower location (Annexure P-2). He further contends that the learned trial Court while allowing the application, directed the investigating officer to take appropriate steps for preservation of CDR and tower location of only 06 persons out of 12 persons as mentioned in the application. Therefore, it is urged that the instant petition be allowed and the CDRs and tower location of all the persons as mentioned in para no.8 of the instant petition may kindly be ordered to be preserved.

3. Per contra, learned State Counsel contends that production of the call details and the tower location of the police officials would expose the secret informers, who help the investigating agency in intercepting the anti-social elements and these details cannot be made available for public in routine manner as it would also put the witnesses in danger. Hence, he prays that the present petition being devoid of any merit be dismissed.

4. Having heard learned counsel for the parties and after a perusal of the record, it transpires that the learned trial Court has partly allowed the application filed by the petitioner under Section 94 of BNSS (Section 91



Cr.P.C.) and directed to preserve the CDRs and tower location of six persons mentioned in the application while no ground was given for not directing preserving CDRs and tower location of other persons mentioned therein.

5. A perusal of the application filed by the petitioner (Annexure P-1) indicates that the petitioner has taken a specific ground that the petitioner was taken by the police illegally and planted the recovery of alleged contraband upon him and the movements were recorded in the CCTV. As such, producing and preserving of the calls details records and tower location is essential.

6. A two Judge Bench of the Hon'ble Supreme Court in ***Suresh Kumar Vs. Union of India 2015 (3) RCR (Criminal) 340*** has considered the necessity and desirability of preserving the call detail records and tower location at the behest of the accused under the NDPS Act and speaking through Justice T.S. Thakur has held as under:-

“That electronic records are admissible evidence in criminal trials is not in dispute. Sections 65A and 65B of the Indian Evidence Act make such records admissible subject to the fulfilment of the requirements stipulated therein which includes a certificate in terms of Section 65B(4) of the said Act. To that extent the appellant has every right to summon whatever is relevant and admissible in his defence including electronic record relevant to finding out the location of the officers effecting the arrest. Be that as it may we do not at this stage wish to pre-judge the issue which would eventually fall for the consideration of the Trial Court.”

7. For proper adjudication of the issue, it would be apt to reproduce Section 94 BNSS, which is as under:-



94. (1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita Appeal by or before such Court or officer, such Court or officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed—

(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers' Books Evidence Act, 1891; or

(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.

8. Preserving and requisitioning of the call details and tower location details would be necessary, otherwise the same would be lost forever. The right of accused to invoke the provisions of Section 94 BNSS for obtaining documents in support of his defence has been recognized by the Constitutional Courts. The legislative intent behind enactment of Section 94 BNSS is to ensure that no cogent material or evidence involved in the issue remains undiscovered in unearthing the true facts during investigation, enquiry, trial or other proceedings. No doubt while passing the appropriate direction for preserving and production of call details/tower location details



under Section 94 BNSS would violate the right to privacy of the police officials but the right of the accused under Article 21 of the Constitution of India in ensuring free and fair investigation/trial would prevail over the right to privacy of the police officials. Some extent of privacy can be breached in production of the said call details, as this would facilitate the learned trial Court in discovering the truth and rendering justice, which is fair to all stake holders.

9. The denial of an adequate opportunity to the accused by nonproduction of the electronic record, which is admissible under Section 65-A and 65-B of the Indian Evidence Act in criminal trial, would amount to miscarriage of justice. Section 94 BNSS helps in facilitating a fair and just resolution to the case by ensuring that relevant evidence is made available to the Court for making informed decisions and arrive at a just and fair outcome. It enables the Court to secure important documentary evidence that may be in possession of individuals or organization and helps prevent the destruction, tampering or loss of crucial documents, thereby maintaining the integrity of the judicial process. The power under 94 BNSS must be exercised for production of such evidence, which would assist the Court in discovering the truth in the pursuit of justice. However, the right of privacy of the police officials cannot be breached at the ipse dixit of the accused. Before any such order for production of call details/tower location is passed, the accused is required to prove necessity and desirability of such evidence, which would be relevant to establish the guilt or innocence of the accused.

10. As principles of natural justice are integral part of fair trial under Article 21 of the Constitution of India, any denial of the best available



evidence or effective and substantial hearing to accused in proving defence would amount to denial of free and fair trial.

11. In view of the observations made hereinabove and without going into the merits of the case, the impugned order dated 09.03.2026 deserves to be modified and the learned trial Court is directed to pass necessary directions under Section 94 BNSS for preserving and production of the call details/tower location details of the phone numbers of all the persons as mentioned in the application under Section 94 of BNSS (Annexure P-2).

12. The instant petition stands disposed of in above terms.

27.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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