

2026:PHHC:086211



CRR-1453-2026 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(147) CRR-1453-2026 (O & M)
Date of Decision:29.05.2026

Ajay

..... Petitioner

V/s

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anurag Mor, Advocate,
for the petitioners.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for quashing of the order dated 29.04.2026 passed by the Additional Sessions Judge, Hisar, whereby the application filed by the petitioner to preserve the call detail records of the complainant and the officials of the raiding party has been dismissed.

2. The learned counsel for the petitioner contends that the Court below has erred in equating the test applicable to an application under Section 94 of BNSS with the higher standard of proof required for conviction. It is well settled that an accused is required to be afforded a fair opportunity to prove his innocence. The preservation of the call detail records as sought would be a step in that direction. The Court has rejected the application of the petitioner holding that it was based on assumptions and presumptions, though, in fact, there is sufficient material on record which ought to have persuaded the Court to have ordered the preservation of



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the call details/location details of the police officials and the complainant, particularly, when the allegations are that the complainant was in prior collusion with the police officials for the period from 10.10.2024 to 30.10.2024. He, therefore, contends that the impugned order be quashed and appropriate directions be issued in terms of the application moved by the petitioner

3. I have heard the learned counsel for the petitioner.

4. While enumerating certain loopholes in the case of the prosecution, the petitioner has not been able to even *prima facie* establish any evidence of any conspiracy between the complainant and the police officers/officials of the raiding party. Mere apprehension of the petitioner of there being a collusion between the complainant and the police personnel is not sufficient to order the preservation of their call details. It is for the petitioner to establish his case. A roving enquiry cannot be permitted to be undertaken.

5. The relevant extract of the impugned order dated 29.04.2026 reads as under:-

8. In the present case, present applicant-accused has sought the collection and preservation of the call details, WhatsApp call, WhatsApp messages and location of DSP Shariff Khan, Inspector Jai Singh, ASI Surender and complainant Aman merely on the basis of his speculative and subjective apprehension that there was some conspiracy between the complainant and the said police officials to falsely implicate



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him. Mere subjective apprehension of the accused is not sufficient to warrant the exercise of powers under Section 94 of BNSS by this Court as the applicant has failed to show how the call records and location details of police officials would be relevant for proving his innocence in the present case. Furthermore, this Court would refrain from indulging in any fishing or roving inquiry by collecting evidence or material during the trial on behalf of the accused. The call details record of the police officials involved in the present case cannot be simply ordered to be preserved on the mere asking of the accused as it will also affect the privacy of the police officials who use their mobile phones for purposes of investigating several cases in which the call details of their secret informers may also be involved and production of their call details record may expose the identity of their secret informers as well. Preservation of the call details, WhatsApp call and messages records etc. cannot be simply ordered on an unfounded and unsubstantiated apprehension of conspiracy expressed by the accused who has otherwise been categorically alleged by the complainant to be amongst the police officials who had forcibly abducted him and demanded extortion money from the complainant while extending threats to falsely implicate him in other criminal cases. In such circumstances, this Court is of the considered view that the guilt of the accused is liable to be decided on basis of the evidence led by the prosecution and the record sought by him to be preserved in question would not have any relevance in the present case and such data cannot be ordered to be preserved in a blanket manner.

6. The Court has categorically held that in the attending facts and circumstances the guilt of an accused is to be established on the basis of the



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evidence led by the prosecution and the record sought by the petitioner does not seem to be relevant. This finding cannot be faulted.

7. Keeping in view the aforementioned facts and circumstances, I find no merit in the present petition and the same stands dismissed.

8. The pending application(s), if any, shall stand disposed of accordingly.

May 29, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No