

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CRM-M No.49513 of 2023

DATE OF DECISION : 3rd OCTOBER, 2023

Parveen Kumar

.... **Petitioner**

Versus

State of Haryana

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Raman Chawla, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of order dated 06.02.2023 (Annexure P-4), passed by the Additional Sessions Judge, Hisar in FIR No.61 dated 04.03.2022 registered under Sections 20(C) & 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bass, District Hisar, whereby the application under Section 91 Cr.P.C. for preserving the call detail record given in the application, has been dismissed; along with certain other prayers.

2. Perusal of the record shows that the petitioner had tried to get the call detail record of the police official, who is cited as witness of recovery from the petitioner. The assumption of the petitioner is that the police official might be having his mobile phone with him at the relevant time when the petitioner was arrested. If the call details regarding that mobile phone are brought on record then the fact can be proved by the petitioner in defence that he was not arrested with the co-accused, rather, he was arrested from a different place.

3. In considered view of this court; just to give credence to the assumption of the petitioner this court cannot go into the roving inquiries. Otherwise also, the call detail of the police official is not relevant as such. Even if the assumption of the petitioner is taken to be having some substance, then also it is not necessary that when the police had gone to arrest the petitioner at some alleged other place, then they would necessarily be having their own mobile phones with them. Therefore, just for the possibility of creating any evidence in favour of the petitioner; court cannot go to the extent of breaching the privacy of the police official qua use of their mobile phones.

4. In view of the above, this court does not find any illegality or impropriety in the order passed by the court below, whereby the application filed under Section 91 Cr.P.C., filed by the petitioner, has been dismissed.

5. Accordingly, the present petition is dismissed.

3rd October, 2023
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>