



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.206

CRM-M-23971-2024(O&M)

Date of decision : 29.09.2025

KAUSHLAYA DEVI

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. J.S.Johal, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Sandeep Arora, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

1. By way of the present petition, prayer is made for quashing of the impugned order dated 18.04.2024 (Annexure P-6) passed by the learned Additional Sessions Judge, Hoshiarpur in Sessions trial titled *State vs. Manjeet Singh and Another* (CIS No. SC-275 of 2023, CNR No. PBH0010061852023, arising out of FIR No.45 dated 16.03.2023 under Sections 306 and 34 IPC, Police Station Dasuya, District Hoshiarpur), whereby the application filed by the accused under Section 91 Cr.P.C. read with Section 145 of the Indian Evidence Act, to the extent of seeking summoning of call detail records, customary application form and tower location of mobile numbers 60068-7xxxx, 75928-3xxxx and 98763-7xxxx for the period from 01.01.2023 to 16.03.2023 was dismissed, and only the summoning of the hospital records was allowed.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case at the instance of the



complainant. It is submitted that in his testimony, PW-1 complainant (brother of the deceased), specifically deposed that on 09.03.2023, a few days prior to the alleged incident, he had received a call from the deceased wherein she stated that her husband had threatened her. In order to confront and cross-examine the complainant on this material assertion, the petitioner moved an application under Section 91 Cr.P.C. read with Section 145 of the Indian Evidence Act for summoning the call detail records, customary application form and tower locations of the relevant mobile numbers, which are indispensable for a fair trial. The trial Court, however, vide impugned order dated 18.04.2024, partly allowed the application only qua hospital records but arbitrarily dismissed it in respect of the CDRs, tower locations, and CAFs. It is submitted that the summoning of these records would cause no prejudice to the prosecution, however, denial thereof will significantly impinge the right of the petitioner to properly defend her case.

3. Per contra learned counsel for respondent No.2 has vehemently opposed the present petition, submitting that the impugned order was rightly passed by the learned trial Court.

4. Heard.

5. Trite to say that although while deciding an application under Section 91 of Cr.P.C., Courts must be alive to the rights of an accused for fair trial and to be able to present best possible evidence in support of his case; however, at the same time, it must also be kept in mind that these powers cannot be exercised as a matter of routine, and mere *ipse dixit* cannot be made the basis of seeking the invocation of the powers of the Court.

6. A perusal of the impugned order reflects that the learned trial Court, in order to accord fair opportunity to the accused to defend the case allowed the summoning of the hospital records of the deceased. However,



qua the summoning of records pertaining to certain mobile phones, it was categorically observed that the application lacked specific and complete details of the phone numbers of which the record was sought to be summoned. As such, upon the failure in furnishing of details with respect to the ownership and usage of the mobile numbers, among other things, the learned Court dismissed the application by way of the impugned order dated 18.04.2024. Learned counsel for the petitioner has not pointed out any illegality or perversity in the impugned order, and has also not been able to satisfy this Court as to why preservation of the call details record pertaining to the said mobile phones would be necessitated as being a relevant, much less vital piece of evidence to prove the innocence of the petitioner.

7. In the aforementioned facts and circumstances, this Court does not find any illegality or infirmity in the impugned order. The present petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Pending miscellaneous application(s), if any, also stand(s) disposed of.

(KIRTI SINGH)
JUDGE

29.09.2025

Kavita

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No