



CRM-M-36208-2025

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

(224)

CRM-M-36208-2025

Date of Decision:- 09.10.2025

Sawan Bhatti

.....Petitioner

Versus

State of UT Chandigarh and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vinod K. Kaushal, Advocate with
Ms. Saroj Kumari, Advocate for the petitioner.

Mr. Rahul Arora, APP, UT, Chandigarh
for respondents No.1 to 4.

ALOK JAIN, J. (Oral)

1. The present petition has been filed, *inter alia*, praying for the quashing of the impugned order dated 04.06.2025, whereby the learned Trial Court rejected the application seeking preservation of the CAF form, call details, and tower location records of petitioner's mobile No. 8427353034 for the relevant period i.e. from 30.06.2024 at 11:00 P.M. onwards to 11:30 P.M. of 01.07.2024 as well as the mobile call details of respondent No.4, as detailed in the head note.

2. Learned counsel for UT Chandigarh has filed short reply by way of affidavit of Udaypal Singh, Deputy Superintendent of Police,



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Central, Chandigarh on behalf of respondents No.1 to 3, which is taken on record.

3. Learned counsel for UT on instructions, appears on behalf of respondent No.4 as well and has fairly conceded that the matter is squarely covered by the judgment passed by this Court in ***Mohit Garg vs. State of Haryana and Others***, CRM-M-30799-2025, decided on 19.08.2025 and relied upon the para 27 of the judgment, which is reproduced as under:

“27. It is further directed that the learned Magistrate shall verify that the data is accessible and the same shall be preserved along with requisite certificate as required under Section 65-B of the Evidence Act (Section 63 of Bharatiya Sakshya Adhinyam, 2023) without disclosing it to either the accused or the complainant and the entire data i.e. CDR etc. shall be kept in a sealed cover, at this stage.

It is further made clear that, in case the petitioner wishes to get the said evidence on record he will have to overcome the hurdle of proving that the said evidence is necessary, desirable and relevant, which could establish either the guilt or innocence of the accused. Both the accused and the complainant shall be at liberty to file appropriate applications before the learned Magistrate, seeking disclosure or production of such CDRs, data and information, at the appropriate stage, as may be permissible, in accordance with law, and the said application if so moved at an appropriate



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stage, would be considered on its own merits without being impressed by the present order. It is further made clear that mere 'preservation' of the record shall not accrue any right qua the accused or cause any undue advantage to them and at the same time shall not be prejudicial to the interest of the complainant.

4. The present petition is disposed of in terms of judgment passed in *Mohit Garg (supra)*.

October 09, 2025

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No

**(ALOK JAIN)
JUDGE**