



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

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CRM-M-36017-2025

Date of decision: 11.07.2025

Mohabbat Meharban

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Komal Preet Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court assailing the legality and propriety of the order dated 03.05.2024 (Annexure P-2) passed by learned Judge Special Court, SAS Nagar, Mohali, whereby the application moved by the prosecution seeking voice samples of the petitioner was allowed.

2. Learned counsel for the petitioner contends that the impugned order suffers from legal infirmities, inasmuch as it fails to ensure compliance with procedural safeguards that are indispensable in matters involving compelled voice sampling. It has been submitted that the learned Trial Court did not consider the constitutional implications arising under Article 20(3) of the Constitution of India, nor did it ensure that the petitioner was provided access to the intercepted audio material sought to be used for comparison.

3. According to the learned counsel, such omissions strike at the very root of the principles of natural justice and the right against self-incrimination.



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4. Learned counsel further argues that the impugned order has been passed in a mechanical manner without appreciating the possibility of misuse of voice samples through technological manipulation, including the use of deepfake technologies, or the risk arising from unauthenticated source recordings. Reliance has been placed on the decision of the Supreme Court in *Selvi Vs. State of Karnataka : AIR 2010 SC 1974*, to submit that any compelled extraction of bodily material, absent robust procedural safeguards, would amount to testimonial compulsion.

5. After arguing for some time, when this Court was not inclined to interfere with the impugned order, learned counsel, on instructions, confined the prayer to seek a direction that any process of voice sampling, if undertaken, be subject to appropriate judicial safeguards.

6. In view of the limited relief now sought and without expressing any opinion on the merits of the contentions, the present petition is disposed of with the following directions: -

(i) If the investigating agency proceeds to obtain the voice sample of the petitioner pursuant to the impugned order dated 03.05.2024, it shall do so strictly in accordance with the law laid down by the Hon'ble Supreme Court in *Sudhir Chaudhary etc. Vs. State (NCT of Delhi) : 2016(8) SCC 307*.

(ii) The text read by the petitioner for the purpose of generating a voice sample shall not contain complete sentences drawn from the intercepted conversation or any inculpatory material.



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(iii) However, to facilitate a fair and effective voice comparison, it shall be permissible for the investigating agency to include isolated, neutral words extracted from the disputed recording, provided that such inclusion does not infringe the right of the petitioner against self-incrimination.

7. These directions have been issued in consonance with the safeguards contemplated by the Hon'ble Supreme Court, which has emphasised the need to balance the investigative requirement of voice matching with the Constitutional protection guaranteed under Article 20(3). In particular, the Hon'ble Supreme Court has clarified that while the reproduction of full inculpatory sentences is impermissible, neutral or relevant standalone words may be utilised for ensuring the scientific validity of the comparison exercise.

8. It is made clear that the observations made are made herein are confined to the limited purpose of ensuring procedural safeguards during voice sample collection and shall not be construed as expressing any opinion on the merits of the case pending before the Trial Court.

11.07.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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