



CRM-M-46478-2025

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

(125)

CRM-M-46478-2025
Date of Decision:- 27.08.2025

Akbar Shah

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Gaurav Datta, Advocate
for the petitioner.
(through video conferencing)

Mr. Amandeep Singh Samra, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for quashing the order dated 29.07.2025 (Annexure P-5) passed by learned Sessions Judge, SBS, Nagar, whereby, the mobile phone along with the charger has been taken on record.

2. Learned counsel for the petitioner has argued that placing on record the said mobile phone is violative of the orders passed by the Hon'ble Apex Court in the case of "**Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal and Ors.**" 2020 INSC 453 and relies upon para 52, which reads as under:

"It is pertinent to recollect that the stage of admitting documentary evidence in a criminal trial is the filing of the charge-sheet. When a criminal court summons the Accused to stand trial, copies of all documents which are entered in the



charge-sheet/final report have to be given to the Accused. Section 207 of the Code of Criminal Procedure, which reads as follows, is mandatory. Therefore, the electronic evidence, i.e. the computer output, has to be furnished at the latest before the trial begins. The reason is not far to seek; this gives the Accused a fair chance to prepare and defend the charges levelled against him during the trial. The general principle in criminal proceedings therefore, is to supply to the Accused all documents that the prosecution seeks to rely upon before the commencement of the trial. The requirement of such full disclosure is an extremely valuable right and an essential feature of the right to a fair trial as it enables the Accused to prepare for the trial before its commencement.”

3. Learned counsel for the petitioner further submits that the said application was allowed without granting any opportunity of hearing to the petitioner to which he has the right to object. Learned counsel for the petitioner has also pointed out that the procedure as envisaged under Section 94 BNSS has to be followed, in case, any such evidence has to be taken on record.

4. Heard learned counsel for the petitioner at length and perused the judgment.

5. In light of the fact that the application filed by the prosecution to place on record the pen drive having the said audio of the deceased Shehnaaz Bibi with her parents and sending the pen drive to FSL for comparison with the voice sample is still pending. Merely taking the mobile phone and charger on record does not cause any prejudice to the petitioner, nonetheless, he would always have the right to take all the objections available to him under law at the time of adjudication of the application



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filed earlier. As regards the procedure envisaged under Section 94 BNSS, the same shall be considered by the trial Court while deciding the main application whether the pen drive has to be accepted and sent for FSL or not.

6. It is settled principle of law that the Courts can accept any evidence at any stage to unveil the truth and the strong evidence such as an audio conversation should not be negated merely on the ground that the mobile phone is not on record and apparently, that is the reason the Court below has taken the same on record.

7. In light of the above, finding no merit in the present petition and accordingly the same is dismissed, however, the petitioner shall always have the right to take all his objections available to him in accordance with law.

(ALOK JAIN)
JUDGE

27.08.2025*Parul*

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No