

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

(208)

CRM-M-10524-2016

Decided on: July 25, 2016.

Jagtar Singh alias Tari

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amar Ashok Pathak, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Involvement of the petitioner in the case of dacoity where the accused had impersonated as member of a team of raiding party of income tax department and had removed all the cash and valuables from the house of the complainant, appears to be prima facie apparent from the police file.

Main contention of learned counsel for the petitioner is that none of the witnesses present on the spot had named or identified the petitioner.

With the assistance of learned counsel for the petitioner and learned State counsel, I have gone through the record.

So far as the petitioner is concerned, his involvement has to be determined on appreciation of evidence regarding his presence on the spot. The petitioner appears to have been named by Pawan Kumar who is yet to be examined as a witness.

Learned counsel for the petitioner submits that statement of Pawan Kumar, if any, would be inadmissible or irrelevant for the purpose of resolution of the controversy in the case.

I have heard learned counsel for the petitioner in context to the evidence available on the record.

The particular witness who had named the petitioner, is yet to be examined.

In view of the nature of the allegations, chances of tampering with the evidence cannot be ruled out.

The petition is dismissed without prejudice to the right of the petitioner to approach this Court again after examination of the material witnesses.

(M.M.S. BEDI)
JUDGE

July 25, 2016
harsha