

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

CRM-M-18250 of 2017
Date of Decision:1.6.2017

Kamaljit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Gurinder Singh Goraya, Advocate for the
petitioner.
Mr.Rajesh Mehta, Additional Advocate General,
Punjab.

AMOL RATTAN SINGH J. (ORAL)

Pursuant to the order dated 19.5.2017, Shri Anil Kumar, Assistant Commandant 2nd I.R.B., Sangrur is present in Court. He has stated that he had made the statement in Court and filed his affidavit on the previous dates of hearing after discussion with the Investigating Team and on a bonafide impression stated in his affidavit dated 25.5.2017, in paragraph 4 thereof, that the persons riding the scooter in the photographs annexed along with the petition are the same;whereas very obviously,as recorded in the order of the this Court dated 25.5.2017,the scooters are wholly different, with Jaspal Singh shown to be riding the first scooter which

is white in colour and also 16 seconds later, sitting as a pillion rider on a scooter which is brown in colour from its front side. The spot where the camera is shown to be installed is the same, therefore the same person at the same spot, 16 seconds later wearing a different colour shirt with a different vehicle becomes doubtful.

The Superintendent of Police is advised to be careful while filing affidavits and making statements irresponsibly before this Court, in view of the fact that he is entrusted with a responsibility higher in level than officials below him.

However, his statement to the effect that it is a bonafide error, is being accepted.

Coming to the merits of the matter, learned counsel for the State submits that the petitioner, Kamaljit Singh, has been arraigned as an accused on the statement of the aforesaid Jaspal Singh.

The petitioner himself has been described to be the person riding (driving) the brown scooter in the second photograph, whereas Superintendent of Police stated in his affidavit that the person sitting pillion behind him is Jaspal Singh, who is also the driver of the white scooter 16 seconds earlier (as earlier noticed).

Without making any comment on the actual merits of the contentions raised by the learned counsel for the petitioner, the order dated 19.5.2017 admitting the petitioner to bail is made absolute.

The petition is disposed of.

June 1, 2017
KD

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: No