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

CRM-M-23182 of 2017 (O&M)

Date of decision: August 10, 2017

Pal Singh

.....Applicant-Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. B.S. Saini, Advocate for the applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

CRM No.24485 of 2017

Heard.

Application is allowed subject to all just exceptions.

Annexures P-8 and P-9 are taken on record.

CRM-M-23182 of 2017 (O&M)

Heard learned counsel for the rival parties.

This is the second petition filed by the petitioner for grant of regular bail in FIR No.201 dated 08.05.2010, under Sections 4/5 of Explosive Substances Act, 1908 and Section 13 of the Unlawful Activities (Prevention) Act, 1967 (Section 472 of Indian Penal Code, 1860 added later on), registered at Police Station Civil lines, Amritsar.

Learned counsel for the petitioner has pointed out the evidence of Investigating Officer PW2-Inspector Sanjiv Kumar and in particular, his cross-examination who is quoted hereunder:-

“I did not investigate against Pal Singh nor any evidence was collected by me against Pal Singh during the investigation of the entire case regarding commission of any offence by Pal Singh. Only SI Tarsem Singh was the other IO who arrested Pal Singh in this case. It is correct that report U/s 173 Cr. P.C. dated 25.05.2013 was prepared and signed by me when challan against Pal Singh and Narain Singh was presented. It is only mentioned in the report that Pal Singh was arrested in this case. It is also correct that there is no mention of any evidence collected against Pal Singh in this case. It is correct that Pal Singh was in judicial custody since 27.07.2010 in case FIR No.24/25.07.2010 registered by P.S. SSOC, Amritsar and on the date of arrest in this case, he was in custody in Central Jail, Amritsar. I did not see personally Pal Singh committing any offence. No witness had deposed before me that he had seen Pal Singh committing any offence pertaining to case FIR No.201/08.05.2010, P.S. Civil Lines, Amritsar. It is incorrect to suggest that under the instructions of higher police officials and in connivance with the officials of SSOC, I challaned accused Pal Singh falsely in this case. I have seen the report U/s 173 Cr. P.C. presented by me against Sukhdev Singh and Gurinder Singh since acquitted in this case and after going through the report, I say that during the investigation of this case, name of Pal Singh did not figure till then.”

Learned State counsel submits that there is evidence of co-accused against the petitioner and there is no other evidence in respect of him.

In that view of the matter, this petition is allowed.

Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

August 10, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No