

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

CRM-M-44609 of 2016

Date of Decision: February 02, 2017

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Gurinderjeet Singh, DAG, Punjab

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C. are that he along with his co-accused Akash Bawa have snatched a gold chain of complainant Shakuntla on 17.09.2016 and that the complainant has subsequently identified the petitioner in the Police station.

The contentions of the learned counsel for the petitioner that it was after almost two months of the alleged occurrence the FIR was got registered and there is no semblance of evidence against the petitioner.

Learned State counsel has readily accepted the fact that the alleged identification is only before the Police and, thus, a debatable issue has arisen as to whether the same is permissible and admissible under the law and that the only semblance of evidence against the petitioner is the

statement of his co-accused. Thus, at this juncture sending the petitioner behind the bars would be a travesty of justice. Culpability if any shall be determined at the trial. In view thereof, the present petition seeking anticipatory bail is allowed. In the event of petitioner putting in appearance within seven days before the arresting officer/Investigating Officer, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C. However, it is made clear that if during the course of interrogation/questioning of the petitioner any incriminating articles are recovered from him/at his behest the Police shall be well within its right to move this Court for recalling of this order.

(FATEH DEEP SINGH)
JUDGE

February 02, 2017

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