

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5845-2017 (O&M)
Date of Decision: March 23, 2017

Harmail Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. A.K. Walia, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab

Amol Rattan Singh, J. (Oral)

Pursuant to the order of this Court dated 20.03.2017, the Senior Superintendent of Police, Mansa, is present in Court. His affidavit has also been filed by the learned State counsel in Court today, stating therein that one Sukhwinder Singh son of Kaka Singh, got recorded his statement on 05.03.2016, to the effect that while he was sitting at a Dhaba near Mansa Kanchian on 02.03.2016, the petitioner, as also his two co-accused (Harpinder Singh and Lakhvir Singh), were talking amongst themselves and he knew them as they were also Kabaddi players and as per the said conversation, they were talking about the crime in question.

The officials of the Police Station Budhlada got information regarding the arrest of those persons from the police of Police Station Sherpur, District Sangrur, where they were arrested in connection with FIR No.24 dated 08.03.2016 registered for the alleged commission of offence punishable under Sections 399 and 402 IPC and 25 of the Arms Act.

Thereupon, recovery of two motorcycles and Rs.60,000/- in cash were stated to have been made from them, and on a production warrant the

accused were produced before the Court on 25.03.2016 and police remand was granted.

Other than that, on 26.03.2016, the complainant, Nachhattar Singh, himself is stated to have identified all three accused in the police station, though no formal identification parade was conducted.

The statement has been annexed with the affidavit.

Learned counsel for the petitioner submits that the petitioner has been in custody for the past one year, with only the charges having been framed so far and prosecution evidence still to commence, which fact is not denied by the learned State counsel, on instructions from ASI Baldev Singh.

A perusal of the FIR shows that the complainant had stated that one person had attacked him and had snatched his bag containing cash and had run away, after which he had followed the said person, who sat down on the motorcycle of his accomplice and both of them thereafter drove away along with the bag of the complainant.

The complainant, however, is seen to have later stated that the petitioner, Harmail Singh, also took Rs.50000 which was stolen from him and is a member of the same gang.

Prima facie, there is obviously a marked improvement in the statement of the complainant in the FIR and the supplementary statement dated 26.03.2016; however the issue would obviously be gone into by the learned trial Court on evidence being appraised by it. Yet, for the purpose of the bail application, I consider it sufficient reason to admit the petitioner to bail.

Consequently, this petition is allowed. The petitioner would be enlarged on bail on his furnishing adequate bail and surety bonds to the

satisfaction of the trial Court.

It needs to be noticed here that on query as to why identification parades are not carried out in terms of Section 54-A Cr.P.C., even if it is a discretion granted to the officer incharge of the police station, the Senior Superintendent of Police has stated that attempts would be made to do the needful.

It is hoped that where cases warrant an identification parade to be carried out, the needful would be done.

March 23, 2017
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(Amol Rattan Singh)
Judge

Whether reasoned/speaking: yes
Whether reportable: no