

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7209-2017

Date of Decision: 02.05.2017

Kamaljit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.S. Goraya, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Though vide order dated 30.03.2017, the Senior Superintendent of Police, Rural, Ludhiana, had been directed to remain present in Court today, learned Additional Advocate General, Punjab, on instructions from Mr. Anil Kumar, Superintendent of Police (Investigation), submits that due to a law and order situation prevalent on account of the alleged desecration of Shri Guru Granth Sahib, in respect of which an FIR has been registered in Police Station Hathur, District Ludhiana, the Senior Superintendent of Police could not come present. The explanation is presently accepted.

Mr. Anil Kumar, the Superintendent of Police (Investigation), on specific query of this Court, stated that the petitioner is visible in the CCTV footage and therefore, concession of anticipatory bail in such circumstances should not be admissible to the petitioner.

Though learned counsel for the petitioner has also refuted the aforesaid statement of the Superintendent of Police factually, that would be a matter to be gone into during investigation and the trial if it comes to that. Learned counsel has also submitted that the source of money (Rs. 30,00,000/-) with the complainant, has also not been explained even by the bank statement produced in Court today by the respondent-State and the investigating agency, inasmuch as, transfer of money from abroad through the agency of the Western Union (money transfer exchange), would not result in cash availability of Rs. 30,00,000/- with the complainant, in view of the fact that the transfer is wholly done by 'wire' and there would be no occasion for the complainant to have so much cash.

Whether or not the complainant had a legal source of Rs. 30,00,000/- cash or not, would be something which would be gone into by the investigation agency and the trial court if it comes to that, for which the complainant may himself be liable in any proceedings, but as regards the snatching of the bag, since the petitioner is stated to have been identified in the CCTV footage, this petition is dismissed.

However, nothing stated hereinabove will be taken to be an observation by this Court on the actual merits of the case against or for the petitioner, but only in the context of the petition seeking anticipatory bail.

May 02, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.