

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

CRM-M-3100-2018

Date of Decision:17.04.2018

Rohtash

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.K.B.Raheja, Advocate,
for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Pursuant to the order dated 20.03.2018, an affidavit of Dr.Nanak Singh IPS, Senior Superintendent of Police, Faridkot, has been filed in Court today by the learned State counsel stating to the following effect:-

“3. That out of list of witness PW1 C Tejinder Singh examined on 30-05-2017, PW2 ASI Kuldeep Singh examined in chief on 01-08-2017 and cross examined on 14-3-2018, PW3 ASI Shagan Singh appeared on 03-01-2018 and completely examined on same date. PW4 HC Balkaran Singh examined in chief on 02-11-17, PW5 SI Jaspal Singh examined in chief on 14-3-2018. Cross examination of PW4 and PW5 conducted on 27-3-2018 alongwith complete examination of PW6 ASI Kulbir Chand.

4. That apart of the witness aforesaid some of witness were given up by Ld.Public Prosecutor on different dates being unnecessary. The copy of list of witness revealed that as many as 6 witness were given up in this case by Ld.P.P. Copy of list of witness annexed herewith as Annexure: R-1/T.”

The statement made by the police official present in Court on March 7, 2018, as recorded in order of that date, was that out of 14 prosecution witnesses 12 had already been examined, with the remaining having been summoned by the trial Court to appear before it on 14.03.2018.

Mr. Raheja learned counsel for the petitioner, had submitted that as a matter of fact only 3-4 prosecution witnesses have been examined.

Even as per the aforesaid statement of the SSP on affidavit, PW5 SI Jaspal Singh was examined on 14.03.2018, PW2 ASI Kuldeep Singh was cross-examined on 14.03.2018 and cross-examination of PWs 4 and 5 was conducted on 27.03.2018.

Upon query to learned State counsel as to when the prosecution witnesses were given up, she submits that three were given up prior to 07.03.2018 with the remaining having been given up thereafter.

Despite the above, the SSP has justified in the 5th paragraph of his affidavit, that ASI Joginder Singh of P.S. Sadar, Kotkapura, had genuinely intimated to this Court with regard to the status that 11 witnesses had been examined including 6 given up.

Very obviously the SSP has not even applied his mind to what he has signed on affidavit, which is possibly prepared by somebody and only signed by the SSP, without application of mind.

The only reason that this Court is not summoning the SSP is because the petitioner has already been admitted to bail by this Court.

The petition is consequently disposed of with the order dated 20.03.2018, admitting the petitioner to interim bail, made absolute.

A copy of this order be sent to the DGP, Punjab, by the Registry.

April 17, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO