

CRR No. 665 of 2018

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

CRR No. 665 of 2018

Date of Decision: 14.03.2018

Bharpur Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.K. Singla, Advocate,
for the petitioner.

Ms. Monika Jalota, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 21.02.2018, learned counsel for the State, on instructions from Head Constable Manpreet Singh, submits that as a matter of fact the mobile tower location of respondent no. 2 (Mehakdeep Singh alias Dimpi) was found to be in village Nangal Kalan, which is about 10 to 12 kilometer away from the place of occurrence, that took place in village Gagowal (which learned counsel for the petitioner submits is about 07 to 08 kilometer away).

Learned counsel for the petitioner further submits that even in the report under Section 173 (2) Cr.P.C., Mehakdeep Singh alias Dimpi was stated to be present in the fields of his village with his father, and not in the village, and therefore, a new stand has been taken by the respondent-State before this Court.

He has also pointed out that as per the testimony of the complainant, PW-1 Bharpur Singh, Mehakdeep Singh alias Dimpi also tore off clothes of the complainants' wife at the time that he and Gursewak Singh allegedly snatched her earrings.

Upon query to learned State counsel, she on instructions, submits that no such torn clothes were given by the complainant to the police.

Having considered the aforesaid arguments and learned counsel for the State having made the first contention on the basis of a report stated to have been obtained by the police from the mobile phone company of the mobile phone owned by the aforesaid Mahakdeep Singh alias Dimpi, I see no ground to entertain this petition.

Firstly, as regards the argument of learned counsel for the petitioner to the effect that in the report under Section 173 (2) Cr.P.C., it was stated that Mehakdeep Singh alias Dimpi was in the field and not in the village, obviously the field also falls with the same revenue estate and would be served generally by the same mobile tower, and even though the location of any persons' mobile phone may not be firm proof of his actual presence at that place, with the mobile phone having been left anywhere, the trial Court having taken a possible view that Mehakdeep Singh alias Dimpi was not involved in the crime, the investigation having been conducted by the Superintendent of Police, who had referred to the mobile tower location, and further, Mehakdeep Singh alias Dimpi being one of three persons, who are stated to have given '*tamba*' blows to Gagal Kreet Singh, (a '*tamba*' being a kind of a stick/lathi), and because he along with Gursewak Singh alias Sewak is alleged to have snatched the earrings of Chatin Kaur, and the possibility of him having been 'roped in' not ruled out, I see no substantive ground to interfere with the impugned order.

Consequently, finding no merit in the petition, it is dismissed.

March 14, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.