

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28461-2019 (O&M)

Date of Decision: 16.12.2019

Nirvail Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gursimran Singh, Advocate, for the petitioner.

Mr. A.P.S. Gill, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the previous orders passed by this Court, Mr. S.P.S.Parmar, Inspector General of Police, Border Range, Amritsar, is again present in Court and upon instructions to learned State counsel, he has explained that the last phone calls recorded of the police party, i.e. Sub-Inspector Sukhdev Singh, ASI Baljit Singh and Head Constable Sarabjit Singh, were at about 09:30 p.m., one of the phone calls being from SI Sukhdev Singh to another police official, after which there was no phone call recorded (as per phone call details records stated to have been received) and as such, it cannot be taken that all three of them were not together when the co-accused of the petitioner, i.e. Gurpreet Singh and Harpreet Singh, were apprehended carrying contraband between 11:00 and 00:00 hrs. at night (as per the case of the investigation agency).

Without making any further comment on the aforesaid, since the explanation as given today may not be illogical, for the purpose of this petition, it is accepted.

As regards the petitioner continuing to remain on anticipatory bail, learned counsel submits that the petitioner admittedly was not apprehended at the spot, the allegation being that he had run away from the spot, but was identified by one of the police personnel in the three members party.

He having joined investigation, again without going into the actual merits of the case, which would be gone into by the investigating agency and the competent Court, on the basis of evidence led before it, the order dated 08.07.2019, admitting the petitioner to anticipatory bail is made absolute.

The petition is disposed of accordingly.

The assistance rendered by the I.G. Border Range, Amritsar, is appreciated.

December 16, 2019

nitin

Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.