

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

203)

CRM-M-33264-2019 (O&M)

Date of Decision: 24.09.2019

Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.
Ms. Ruchika Sabharwal, AAG, Punjab

Amol Rattan Singh, J. (Oral)
CRM-25230-2019

The application is allowed, subject to all just exceptions and the order of the learned Additional Sessions Judge, Tarn Taran, dated 15.07.2019, is ordered to be taken on record as Annexure P-5, with the accompanying petition.

CRM-M-33264-2019

On 19.09.2019, the following order had been passed:-

“Pursuant to the order of this Court, dated 28.08.2019, a status report by way of an affidavit of Sh. Ravinderpal Singh, Deputy Superintendent of Police, Sub-Division, Goindwal Sahib, District Tarn Taran, has been filed in Court today by the learned State counsel, from which he submits that in fact the petitioners, mobile was found to be operating at his village only, from 6:32 am. right uptill 8.35 p.m., the contention therefore being that the petitioner never went to join investigation with ASI Sarwan Singh of Police Post Fatehabad, falling under Police Station Goindwal Sahib, on 14.07.219.

The mobile call record details of ASI Sarwan Singh have also been placed on record.

Though I see nothing further to be verified, as has been pryaed for by the learned counsel for the petitioner, with call detail records obviously having been obtained from the mobile phone company, yet to enable the learned counsel for the petitioner to go through the contents of the affidavit properly, adjourned to 24.09.2019, with it made clear that any request for an adjournment on behalf of the petitioner on that date would result in automatic vacation of the interim order.”

Today learned counsel for the petitioner points to the fact that the petitioner is a resident of Village Bharowal, Tehsil and District Tarn Taran, and that the police post where the aforesaid ASI Sarwan Singh is posted, i.e. Fatehabad, is within 2-3 kms. of the said village, which fact is not denied by the learned State counsel on instructions from ASI Gurdev Raj.

He next points to the fact that as per the call record details placed on record with the affidavit of Sh. Ravinderpal Singh, Deputy Superintendent of Police, Sub-Division Goindwal Sahib, dated 18.09.2019, there is a time gap between 9:12:45 and 12:44:00, which is the time that the petitioner actually went to the police post to join investigation, with him not having been joined by the aforesaid police official (as contended).

He therefore submits that the call record details would not reflect anything else.

He submits that today in any case the petitioner has joined investigation, which fact learned State counsel, again on instructions from the police official who is present in Court to assist her, does not deny.

Without making any comment on the actual merits of the case, the order dated 28.08.2019, admitting the petitioner to interim bail, is made absolute on the same terms and conditions.

The petition is disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

24.09.2019

vcgarg

Whether reasoned/speaking: Yes
Whether reportable: No