

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

CRM-M-25620 of 2020

Date of Decision: 21st September, 2020.

Sunil Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petition is filed for anticipatory bail in FIR No. 0051 dated 16.03.2018 , under Section 420 IPC at Police Station City Sunam, District Sangrur.

The FIR was at the instance of Maninder Singh against Vishal, Kamaljit Singh and Vijay Kumar. The allegations are that the complainant was duped of Rs. 6,00,000/- approximately on the pretext that his son would be sent to Italy. It is alleged that the money was deposited in the account of Kamaljit Singh and some money was given to Vishal and Vijay Kumar. A supplementary statement was made on 20.07.2020 by the complainant alleging that petitioner had withdrawn money through ATM from account of Kamaljit Singh and there is a CCTV footage.

Learned counsel for the petitioner submits that the petitioner is not there in the CCTV footage.

On 02.09.2020 following order was passed:

"Learned counsel for the petitioner submits that the primary evidence claimed by the Police against the petitioner is a CCTV footage in which the petitioner is, allegedly, seen withdrawing amounts through ATM Card from the account of the co-accused Kamaljeet Singh. However, the petitioner is not that person who is seen in that footage. The petitioner has attached his photograph in the present petition. The State can verify the same. Still further, it is submitted that the present petitioner is neither named in the FIR nor any allegations are there, therefore, the petitioner is not involved in the present case. It is also submitted by counsel for the petitioner that the petitioner is not known by the name of Kamaljeet Singh either.

Notice of motion.

Mr. A.P.S. Gill, DAG, Punjab, accepts notice on behalf of the State and seeks time to verify the fact whether the petitioner is seen in the CCTV footage or not and also to verify whether the petitioner is known by the name of Kamaljeet Singh or not. The State shall also file the status report regarding the matter involved in this petition on or before the next date of hearing.

Adjourned to 21.09.2020"

A status report has been filed today through electronic medium and the same is taken on record. It is stated that as the petitioner had not joined the investigation, it could not be verified that he is the one who is visible in the CCTV footage.

Learned counsel for the petitioner submits that the petitioner is ready to join the investigation for verification. It is further argued that from the CCTV footage, it would not be visible that the petitioner had actually made withdrawal from whose account.

Learned State counsel submits that there are some call details of the petitioner with the police authorities though she does not have the details of the same.

Considering that at this stage, petitioner is required only to verify his visibility in the CCTV footage, he has not been named in the FIR and the allegations in the supplementary statement leaves enough space for the petitioner to make out an arguable case, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks from today. He shall abide by the conditions as envisaged in Section 438(2) Cr.P.C.

In case the petitioner fails to join investigation within two weeks, State would be at liberty to file an application for recalling of this order.

Disposed of.

(AVNEESH JHINGAN)
JUDGE

21st September, 2020.
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No