

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-32824 of 2020

Date of decision:17.11.2020

Ramandeep Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.P.K.S.Phoolka, Advocate,
for the petitioner
Mr.V.G.Jauhar, Sr.DAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 29.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seek the concession of 'pre-arrest bail' upon FIR No. 188 having been registered against him at Police Station Talwandi Sabo, District Bathinda, on 12.09.2020, alleging therein the commission of offences punishable under Sections 379-B/34 of the IPC.

Though learned State counsel submits that he has received a copy of the reply to the petition, it could not be filed

it having been received only today, and that it has also CCTV footage annexed with it.

Learned counsel for the petitioner submits that he has received a copy of the reply on his mobile phone and it is not explained anywhere in the reply as to how, when those whose images are captured on the CCTV footage, were having muffled faces, they were identified by the complainant.

Learned State counsel would supply a copy of the CCTV footage to Mr. Phoolka, learned counsel for the petitioner, and address arguments after seeing himself also, as to whether those caught in the CCTV footage are identifiable or not.

Adjourned to 17.11.2020.

To be shown in the urgent motion list.

In the meanwhile, in view of the fact that it has not been explained so far as to how muffled faces could be identified and there is no other criminal case registered against the petitioner, he is directed to join investigation within 05 days from today and upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa

Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

xxx xxxx xxxx xxxx

After the above order had been dictated and counsel for the petitioner had left, Mr. Nehra points out that in fact nowhere in the entire reply is it stated that those whose are captured in the CCTV cameras, were having muffled faces.

Obviously, that would be seen on the next date of hearing and if that is so, whether the interim order should continue or not, would be considered (upon perusal of the footage).”

Today, Mr.Jauhar, learned Sr.DAG, Punjab, submits that as a matter of fact the CCTV footage does disclose that one of the two co-accused was having a muffled face, though the face of the other co-accused, i.e. Baljit Singh, could be seen in the CCTV footage. However, it was the petitioner, who got recovered the purse, the PAN card and two identity cards of the complainant-victim, as also her ATM card and presently at least his custodial interrogation is not required.

As regards the petitioner not having any other criminal antecedents, he submits that as per his instructions that is correct.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days' notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, she would be always at liberty to avail of her remedy as per law.

17.11.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No