

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-14341 of 2015

Date of decision:- July 28, 2015

Satbir alias Sonu

.....Petitioner...

Vs.

State of Haryana

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
for the respondent-State.

JASPAL SINGH, J.

The instant petition under Section 438 of Cr.P.C. has been Preferred by Satbir alias Sonu seeking pre-arrest bail in case FIR No.17 dated 05.02.2015, under Section 392 IPC, 1860 (later on Section 397 IPC added and 392 deleted) registered at Police Station Kalyat, District Kaithal.

The instant case stands registered on the statement of Harpreet Singh who has unfolded that on February 05, 2015, he along with Gurjeet Singh-Conductor, after having loaded rice in the Truck No.PB-13 P-9560 left Kotkapura for Delhi. At about 08:00 p.m., when they reached 3 kms ahead of Kalayat, one Bolero bearing registration No.HR-99-SG(TP)-4327 crossed the truck and made the truck to stop by parking Bolero Car in front of truck. Four boys came out from the Bolero and raised demand of money from him. When he objected, they forcibly took him out from the truck. Three boys caught hold of him and the fourth boy wearing kurta and pyjama threatened him to kill and snatched a sum of Rs.5,000/- from him.

Accordingly, instant case was registered and the investigation was put into motion.

The contention of learned counsel for the petitioner is that, petitioner had nothing to do with the alleged crime. He belongs to respectable family and has been wrongly implicated in the instant case. Even otherwise, all the particulars got recorded by complainant including his name, residential address, registration number etc. were wrong. Truck No.PB 13P-9560 was found in the name of one Baljit Singh. In fact, the said registration number is of motorcycle, make Hero Honda. After the arrest of one of the alleged accused, police has manipulated disclosure statement, on the basis of which, petitioner has been sought to be arrested. Petitioner undertakes to join investigation as and when required and to cooperate with the investigation.

On the other hand, learned State counsel has strongly opposed the grant of bail. He has submitted that name and role of petitioner came to light during interrogation of his co-accused namely Rakesh @ Dhana, who has disclosed that revolver used in the course of occurrence was given to him by the petitioner. Moreover, petitioner is evading his arrest and PO proceedings are going on against him. His arrest warrant has already been issued. Investigation is still in progress. Since recovery of robbed money as well as that of the weapon of offence is still to be effected, custodial interrogation of the petitioner is essential and in such circumstances, he does not deserve the concession of bail.

This Court has given anxious thought to the aforesaid submissions made by learned counsel for the parties and have perused the records.

Undisputably, name of petitioner does not figure in the FIR and his name is alleged to have emerged only in the disclosure statement of

co-accused that revolver used during the course of occurrence was handed over to him by the petitioner. The name, residential address and the registration number of the truck have been wrongly disclosed by the complainant at the time of registration of the FIR and there is no cogent reason as to why he has done so. Moreover, on the disclosure statement of the co-accused of the petitioner, he cannot be made to suffer especially in the circumstances that it is non-injury case and use of alleged revolver is a matter of evidence and a debatable question. It is also well settled that present petitioner is not to be sent behind the bars just by way of harassment or punishment.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits of the case, petition is allowed and petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C:

- (i) that the petitioner shall make himself available for interrogation by police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

July 28, 2015
m. sharma

(JASPAL SINGH)
JUDGE