

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-16610 of 2015

Date of Decision : 28.7.2015

Ransher Singh @ Monu Chaudhary

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Harkesh Manuja, Advocate for the petitioner.
Mr. Ashish Yadav, Addl. A.G., Haryana.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in FIR No.4 dated 2.1.2015 under Sections 420,467,468,471 and 120-B IPC, registered at Police Station Sadar, Sonapat.

Notice of motion was issued and interim protection was granted.

Learned counsel for the State, on instructions from ASI Surender Singh, Police Station Sadar, Sonapat, submits that although petitioner has joined the investigation, but it has been found that the co-accused who suffered disclosure statement and named the petitioner, has found to have deposited some amount in the bank accounts of father and brother of the petitioner, because of which the petitioner is not entitled for the concession of anticipatory bail. He also submits that it was the petitioner, who issued fake certificates in favour of many persons.

Faced with the above, learned counsel for the petitioner submits

that neither the brother nor father of the petitioner is co-accused. Disclosure statement suffered by the co-accused of the petitioner before the police would have no evidentiary value. He prays for allowing the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because the investigating agency has been found changing its stand even before this court. Earlier, it was contended that the co-accused, who suffered the disclosure statement alleging the involvement of the petitioner, has deposited an amount of Rs.1.00 lac in the bank account of the petitioner. However, this stand was sought to be changed contending that it was not the petitioner, but his co-accused, deposited the said amount in the bank accounts of the father and brother of the petitioner.

Be that as it may, such a disclosure statement suffered by the co-accused before the Investigating Officer itself will be a debatable issue during the course of trial.

In view of the above and without commenting anything further on the merits of this case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Order dated 20.5.2015 passed by this court is hereby made absolute, however, subject to the conditions envisaged under Section 438(2) Cr.P.C.,

Disposed of, accordingly.

28.7.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE