

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

CRM-M-34976-2015

Date of decision: 10.12.2015

Amit Prashar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sanjiv Singh, Advocate for
Mr. Pankaj Katia, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.25 dated 12.02.2015 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Civil Lines, District Bathinda.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. His name came to be disclosed by one of his co-accused during the course of investigation. The disclosure statement was suffered by the co-accused before the police. He also refers to three orders passed by this Court at Annexure P-3 (Colly.), whereby Jagtar Singh and Gurlal Singh were granted the bail pending trial, whereas Bhola Singh and another co-accused were granted the concession of pre-arrest bail. He submits that since nothing is to be recovered from the petitioner, he is also entitled for the concession of anticipatory bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Jarnail Singh, Police Station Civil Lines, Bathinda, submits that petitioner is not entitled for the concession of anticipatory bail, because his case is not identical with his abovesaid co-accused. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that petitioner has also been found entitled for the concession of anticipatory bail, at the hands of this Court. It is a matter of record that petitioner was not named in the FIR. He was sought to be implicated on the disclosure statement suffered by his co-accused before the police. Evidentiary value of such a disclosure statement shall be a debatable issue before the learned trial Court. It is also not in dispute that nothing is to be recovered from the petitioner. In this view of the matter, custodial interrogation of the petitioner would not be required.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed and the order dated 16.10.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

10.12.2015
vishnu