

Sr. No.214

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

CRM No. M-3565 of 2018 (O&M)

Date of Decision: 03.04.2018

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Subhash Rana, Advocate for
Mr. S.K.Panwar, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.740 dated 19.09.2017, under Sections 379-B, 34 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Camp Palwal, District Palwal, Haryana.

On 19.02.2018, the following order was passed by this

Court:-

“Petitioner seeks concession of pre arrest bail in case FIR No.740 dated 19.09.2017, under Sections 379-B, 34 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Camp Palwal, District Palwal, Haryana.

FIR came to be registered on the statement of Kushal who stated himself to be doing the job of Driver with a particular transport company.

Allegations are that on 16.09.2017 while he

was taking the truck from Gurgaon to Kashipur (U.P.), he was accosted by four unnamed assailants riding two motorcycles aged between 20-25 years and having been assaulted, his wallet containing Rs.1500-1600, his photo and Voter I.D. Card were taken away.

Present petitioner is sought to be implicated on the statement of co-accused namely Krishan Kumar.

Counsel has adverted to the order dated 24.01.2018 passed by this Court in CRM No.M-2054 of 2018 and in terms of which co-accused Krishan Kumar has been granted benefit of bail.

List for further consideration on 03.04.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

State counsel upon instructions from ASI Pop Singh, Police Station Camp Palwal informs the Court that the petitioner has since joined investigation.

However, prayer for anticipatory bail is opposed on the ground that recovery of a motorcycle (make Apache) is still to be effected from the petitioner.

In the considered view of this Court, custodial interrogation of the petitioner would not be warranted inasmuch as the prosecution is relying upon the disclosure statement of a co-accused, namely, Krishan Kumar and as per which the present

petitioner was also alleged to be riding a motorcycle. The evidentiary value of such statement of a co-accused would be an aspect to be dealt with at the appropriate stage.

Petitioner having joined investigation, the prayer made in the petition is accepted.

Order dated 19.02.2018, passed by this Court is made absolute.

Disposed of.

03.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No