

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42565 of 2018

DATE OF DECISION:15.01.2019

Naresh @ Neshi

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. JS Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.

Learned senior counsel for the petitioner contends that the petitioner has been implicated on the basis of disclosure statement made by one Rishi Pal, whose name was not even mentioned in the FIR. He further contends that in compliance of order dated 27.9.2018, the petitioner has joined the investigation.

On the other hand, learned counsel for respondent-State submits that in the disclosure statement made by Rishi Pal, not only name of the petitioner was there but specific role was also attributed to him. He further contends that name of the petitioner has also been reflected in the disclosure statement made by co-accused-Pardeep. However, he has not disputed the fact with regard to joining of investigation by the petitioner.

Keeping in view the submissions made by learned senior counsel for the petitioner and also the facts that the petitioner has been

implicated only on the basis of disclosure statement made by one Rishi Pal, who was not even named in the FIR; subsequent disclosure statements made by Jasmair @ Poppa and Pardeep @ Buccha after recording the disclosure statement of Rishi Pal has no evidentiary value unless some connecting evidence is there and the allegations levelled are matter of evidence, which shall be tested by the trial Court during trial.

In view of the above, interim order dated 27.9.2018 passed in favour of the petitioner is made absolute.

Petition stands disposed of accordingly.

However, the petitioner is directed to join investigation, if required by the Investigating Officer.

January 15, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No