

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-19897-2020(O&M)
Date of Order:10.09.2020

RAMESH KUMAR

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on
account of restricted functioning of the Courts.

On 22.07.2020, the following order was passed:-

*“This matter is being taken up for hearing through
video conferencing due to the outbreak of the pandemic,
COVID-19.*

*The petitioner, it is stated, has been falsely
implicated in this case due to a dispute which the
petitioner has with the accused, Satnam Singh.*

*Learned counsel argues that the petitioner has not
been named in the FIR and, neither is there any
allegation qua him. There is no evidence to connect the
present petitioner with the alleged offence except the
disclosure statement of the co-accused, Satnam Singh.*

Notice of motion.

*Mr. Anmol Malik, DAG, Haryana accepts notice
on behalf of respondent-State. Advance copy of the
petition stands served upon the State.*

At request, adjourned to 01.09.2020.

CRM-M-19897-2020(O&M)

-2-

In the meanwhile, petitioner shall join investigation as and when required by the investigating agency and fully cooperate in the investigation of this case. In the event of his arrest, the petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Thereafter, on 03.09.2020, the following order was passed:-

“Learned counsel for the petitioner submits that the petitioner, pursuant to the directions given by this Court, he has joined the investigation. He further submits that the petitioner has not been attributed any overt act in the FIR. He further submits that the petitioner is not even named in the FIR. He contends that infact the police officials are colluding with Satnam Singh, the main accused and have helped him to get bail.

Keeping in view the aforesaid facts, it is considered appropriate to direct the Superintendent of Police, Kurukshetra to file a detailed reply after examining the police file. It is also expected that the Superintendent of Police would also respond to the contentions of the learned counsel for the petitioner.

Adjourned to 10.09.2020.

In the meantime, interim directions given in the order dated 22.07.2020, passed by this Court, shall continue to operate.”

Affidavit of Superintendent of Police, Kurukshetra, has been forwarded on official e-mail. It has been disclosed that Satnam Singh Dhillon has been granted bail by the trial court. It has further been stated that the petitioner is sought to be indicted as an accused on the disclosure statement of the co-accused Satnam Singh Dhillon.

It is debatable as to whether such disclosure statement of a co-accused in police custody is admissible or not? The attention of the court has not been drawn to any other material proving involvement of the petitioner.

The petitioner has already joined the investigation. The main accused has already been granted bail by the trial court.

Keeping in view the aforesaid facts, the interim order dated 22.07.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

September 10, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No