

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21059-2019 (O&M)
Date of Decision:-27.2.2020

Harwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Gurmail Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.133 dated 24.4.2018 at Police Station Division No.1, Ludhiana under Section 395 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Sonia Thapar, wherein it has been alleged that on 24.4.2018 at about 8:15 P.M., when she was present in her house alongwith her mother-in-law, then 4 persons came inside their house and represented that some payment is to be made by them and upon which her mother-in-law called her and asked her to receive the payment. It is alleged that one of the persons with muffled face, however, put his hand on the mouth of the complainant while hitting her with a sharp edged object on

her head. When her mother-in-law raised alarm, the said persons left from their house on their motorcycles.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and is sought to be nominated as an accused on the basis of disclosure statement made by co-accused Gurpreet Singh, which is alleged to have been made after one year of the aforesaid occurrence.
4. Opposing the petition, the learned State counsel has submitted that since there is a disclosure statement made by co-accused Gurpreet Singh and the petitioner is involved in 3 other cases, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner is sought to be nominated as an accused on the basis of alleged disclosure statement made by co-accused, the veracity and admissibility of which would be debatable, and while also bearing in mind that the petitioner has already joined investigation, his custodial interrogation is not warranted.
6. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 2.12.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No