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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32596 of 2020(O&M)
Date of Decision: 17.11.2020

AMRIK SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Inderpreet Singh Kooner, Advocate
for the petitioner.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.22 dated 24.02.2020 registered under Sections 457 and 360 IPC at Police Station Sadar Rajpura, District Patiala.

On 14.10.2020, following order was passed:-

"The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that in respect of occurrence dated 21.2.2020, FIR came to be registered on 24.2.2020. Petitioner was nominated in the disclosure statement of Raj Kumar

son of Tarlochan Singh. Recoveries have already been effected from the said accused. Petitioner has no proximity with co-accused Inder Singh, who is still at large.

Notice of motion for 17.11.2020.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

Petitioner has been nominated on the basis of disclosure statement of co-accused Raj Kumar son of Tarlochan Singh. Stolen goods have been recovered from the co-accused. The alleged occurrence took place on 21.02.2020. The FIR was registered on 24.02.2020.

Learned State counsel on instructions from ASI Mangal Singh submits that the disclosure statement of co-accused ultimately led to recovery and the same is hit by Section 27 of the Evidence Act.

The complicity of the petitioner on the basis of disclosure statement of co-accused Raj Kumar would remain debatable and would be subject to quality of evidence to be led by the parties during trial. It would also be subject matter of investigation whether co-accused Inder Singh is also related to the petitioner or not.

In view of above, the present petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.11.2020 at 11.00 AM and in

the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

November 17, 2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No