

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

CRM-M-33586-2020 (O&M)

Date of Decision: 22.12.2020

Bhola Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ajay Arora, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by HC Surender Kumar.

(proceedings conducted through video conferencing)

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.453 dated 23.09.2020 at Police Station City Fatehabad, under Sections 457 and 380 IPC.
2. The FIR in question was lodged at the instance of Dinesh Kumar, who is having a shop by the name and style of 'M/s Mange Ram Dinesh Kumar' in Fatehabad and is also having a godown for storing articles of his shop. The complainant alleged that on 23.09.2020 at about 7.00 AM, when he visited his godown, he saw that locks of the godown had been broken and upon checking, he found that 40 bags of rice weighing 50 kgs. each and 10 bags of barley weighing 50 kgs. each were missing. It is further the case of the prosecution that during the course of investigation accused Rahul and Deepak were arrested, who suffered a disclosure statement to the effect that they

alongwith the petitioner Bhola Ram as well as Gursewak, Govinda and others had committed the theft in question.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of the alleged disclosure statement made by co-accused, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the disclosure statement made by co-accused, no case for grant of anticipatory bail is made out. Learned State counsel has, however, informed that pursuant to the interim directions, the petitioner has since joined investigation and that he is not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the fact that the petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused, the admissibility of which would be debatable and that he has since joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 20.10.2020 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.

22.12.2020

Vimal

(GURVINDER SINGH GILL)
JUDGE

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