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

CRM-M-41604 of 2020

Date of Decision: 21.12.2020

Sabbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.503, dated 07.09.2020, under Sections 420, 467, 468, 471, 120-B of IPC, 1860 and Sections 66 C and 66 D of Information Technology Act, 2000, registered at Police Station Camp Palwal, District Palwal.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and his name was nominated thereafter on the basis of the disclosure statement made by one of the co-accused namely, Tofik son of Sh. Majeed. Learned counsel has further submitted that the aforesaid accused has been granted bail by the court of Additional Sessions Judge, Palwal on 04.12.2020. He has also

referred to the bail order which have been passed with regard to the other co-accused as well. He further submitted that vide CRM-M-35452 of 2020, bail was granted by co-ordinate Bench of this Court to the accused Pankaj, who forged the Aadhar Card. Furthermore, vide CRM-M-39081 of 2020, bail was granted to another co-accused namely, Praveen. Learned counsel for the petitioner has submitted that so far as the name of the petitioner is concerned, his name was nominated on the basis of the disclosure statement made by the main accused Tofik and it is a settled law that disclosure statement has no relevance in the eyes of law and that the petitioner was falsely implicated in the present case.

On the other hand, Mr. Munish Sharma, AAG, Haryana has stated that a group of people tried to cheat the complainant. Learned State counsel has opposed the grant of bail to the petitioner. However, learned State counsel has not been able to dispute that the aforesaid accused has been granted bail. He has also not disputed that the main accused namely, Tofik has been granted bail by the Court of Additional Sessions Judge, Palwal.

I have heard the learned counsel for the parties and have perused the record.

Considering the totality and facts and circumstances of the present case and that the main accused Tofik has already been granted bail by the learned Additional Sessions Judge, Palwal and that the name of the petitioner was nominated only on the basis of disclosure statement made by the aforesaid accused Tofik, this Court is satisfied that the denial of the bail to the petitioner would not be just and proper.

Therefore, without commenting anything on the merits of the case, the present petition is allowed and the petitioner is admitted to bail. The petitioner shall be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 21, 2020
Manpreet

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