

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

CRM-M-51656-2019

Date of Decision:- 13.2.2020

ASHIK @ GUNGA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashik Ali, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner-Ashik @ Gunga has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.27 dated 5.3.2018 under Sections 379, 120-B IPC at Police Station Raipur Rani, District Panchkula wherein the complainant Jatinder Saini '*Sarpanch*' has alleged that there has been theft of 15 trees from the '*Panchayat*' land.
2. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated on the basis of disclosure statement allegedly made by Sarafat Ali. It has been submitted that there is nothing on record to connect the petitioner with the alleged occurrence.
3. Opposing the petition, learned counsel for the petitioner has submitted that since the petitioner has been specifically named by co-accused, no case for grant of anticipatory bail is made out. It has however been

informed that pursuant to interim directions, the petitioner has since joined investigation.

4. Having regard the aforesaid facts and circumstances of the case and while bearing in mind that the petitioner came to be nominated as an accused on the basis of disclosure statement allegedly made by co-accused, the veracity and admissibility of which is yet to be tested, in the opinion of this Court, it is not a case which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.12.2019 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
5. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

13.2.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**