

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

CRM-M-457-2021 (O&M)
Date of Decision:- 31.8.2021

Jatinder Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Bali Ram.

(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 against him vide FIR No. 84, dated 15.6.2020, Police Station Tapa Mandi, District Barnala, under Sections 379, 411, 34 IPC.
2. At the time of issuance of interim directions on 7.1.2021 the following order was passed:

“As per the FIR a secret information was received by the police to the effect that Sanjay Kumar @ UK, Harwinder Singh @ Honey, Jagjit Singh @ Jaggi, Karanvir Singh @ Kamal and some more of their

associates are habitual of stealing motorcycles and that in case barricading is held they could be nabbed red handed while in possession of stolen motorcycles.

Learned counsel for the petitioner has submitted that pursuant to the aforesaid information the aforesaid four persons were apprehended by the police and who are alleged to have nominated the petitioner as their accomplice.

Learned counsel for the petitioner has submitted that the petitioner is neither named in the FIR and nor was ever found near the place of occurrence and has been nominated on the basis of disclosure statement, which would hardly carry any evidentiary value.

Notice of motion for 11.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel has informed that pursuant to the interim directions issued by this Court, the petitioner has joined investigation and that he is not involved in any other case.
4. Admittedly, it is a case where the petitioner was never arrested at the spot and has been nominated by the co-accused subsequently in a disclosure statement. The veracity and admissibility of disclosure statement would certainly be debatable. In any case, since the

petitioner has joined investigation and is not wanted in any other case, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.1.2021 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.

31.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No