

CRM-M-4071-2020

Date of Decision:13.09.2021

Janardhan

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. S.S.Duhan, Advocate,
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On January 30, 2020, the following order had been passed by
this court (co-ordinate Bench):-

“FIR bearing No. 575 dated 27.10.2018 under Section 380 and 457 IPC, 1860 registered at Police Station Sadar Rohtak, District Rohtak has been registered on the statement of Rajesh alleging that on 26.10.2018 he had parked his tractor inside the house and in the morning hours, the same was found to be missing. It has been stated that during the course of investigation, Sahanbaz, co-accused was arrested and tractor has been recovered from him. After a period of more than one year, the petitioner is being implicated on the basis of the disclosure statement of Sahanbaz, co-accused.

Notice of motion for 1.4.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel on query submits that the report under Section 173 Cr.P.C. has been submitted against two accused but has not been submitted against the petitioner and two other co-accused, as he is not getting the 'Canter' vehicle that was allegedly used in the commission of

the offence recovered; with him also submitting that the petitioner is the friend of another co-accused who is yet to be arrested; and therefore to determine his whereabouts, his custodial interrogation is required.

Having considered the matter, without making any comment on the actual merits of the case, which naturally would be determined on the basis of the evidence gathered and led, it is to be noticed that the petitioner was sought to be arrested on an alleged disclosure statement made in police custody by his co-accused, with that co-accused also having been ordered to be taken in custody in the context of another case, and the petitioner also having been in custody at that time in the context of another case.

Thus, though learned State counsel submits that there are six other criminal cases registered against the petitioner, as regards the present case in question, the evidence presently against him being only an alleged disclosure statement made in police custody, therefore, as already said, without making any comment on the actual merits of the case, I would see no reason to not allow this petition, which is consequently allowed, with the order dated January 30, 2020, made absolute on the same terms and conditions.

September 13, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO