

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

CRM-M-7659-2021 (O&M)

Date of Decision: November 09, 2021

Hans Raj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.319 dated 13.11.2020, under Sections 457, 380, 34 of the Indian Penal Code, registered at Police Station Farrukh Nagar, Gurugram.

Learned counsel for the petitioner herein would contend that the instant FIR was registered against Ombir and two others for stealing the bundles of copper wire. On the arrest of Ombir, the petitioner was nominated as an accused on the basis of disclosure statement of Ombir. It is argued that the petitioner was neither shown in the CCTV footage of warehouse and other accused, who was nominated on the basis of disclosure statement, has already been allowed regular bail. It is submitted that the

petitioner herein is not owner of any Tempo, which is to be recovered. It is stated that pursuant to the order dated 27.08.2021, the petitioner herein has joined the investigation. .

Per contra, learned State counsel, on instructions from the Investigating Officer, would submit that though the petitioner has joined the investigation, but the Tempo used at the time of commission of the offence has not been recovered nor a sum of Rs.1 lac, which is the share of the petitioner herein, which was given to him as per disclosure statement of Kapil @ Vinod.

I have heard learned counsel for the parties and deem it appropriate to confirm the anticipatory bail to the petitioner herein, considering the fact that he has joined the investigation. In this regard, reliance is placed upon judgment rendered by the Apex Court in the case of *Tofan Singh vs. State of Tamil Nadu, 2021(1) RCR (Crl.) 1*, in which it has been categorically held that no reliance can be placed upon the disclosure statement of co-accused.

In view of the facts that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 27.08.2021 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

November 09, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No