

CRM-M-22543-2020 (O&M)

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

**CRM-M-22543-2020 (O&M).
Decided on: February 15, 2021.**

Rohit Kumar Sharma

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Kamaldeep Singh Sodhi, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.50 dated 20.03.2020, under Sections 419, 420, 467 and 471 IPC, registered at Police Station Navi Baradari, District Jalandhar.

Status report by way of affidavit of Commissioner of Police, Jalandhar, has been filed by way of e-mail. A print out of the same is directed to be taken on record.

As per the allegations contained in the FIR, FIR was

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lodged against one Sanjeev Kumar under the provisions of the NDPS Act and bail bonds were furnished for the bail of aforesaid Sanjeev Kumar. The documents for bail bonds were submitted by one Tarlok Ram who was allegedly identified by one Raj Kumar, Numberdar but thereafter, it was found that there was impersonation done with regard to Tarlok Ram and thereafter, the present FIR was lodged.

Learned counsel for the petitioner has submitted that so far as petitioner is concerned he was not involved in the present case and the mere fact that the petitioner is brother of aforesaid Sanjeev Kumar would not fasten the liability upon the petitioner. He submitted that the petitioner had no role to play with regard to the arranging of any surety for Sanjeev Kumar because the said surety was arranged by said Tarlok Raj and in case there has been any impersonation, then the petitioner cannot be held guilty for the same.

The State of Punjab was issued notice in the present case and a status report of Commissioner of Police, Jalandhar, has been filed today.

As per the status report, there is an audio recording available between one Advocate whose name appears to be Abhinav Kumar in which his role was involved with regard to arranging of surety and the matter was inquired into by the Deputy Commissioner of Police (Investigation), Jalandhar and it was revealed that aforesaid Advocate namely Abhinav Kumar was approached for providing his voice samples so that the report can be sought with regard to the recordings which have been

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produced by the petitioner. The said Advocate Abhinav Kumar refused to give the recordings regarding which DDR No.33 dated 22.12.2020 was recorded in the police station. Furthermore, notice was also issued under Section 160 of Cr.P.C. to him to join the investigation and to provide his voice samples to which also he didn't come present. Even an application was moved before the Illaqa Magistrate seeking directions to the Advocate Abhinav Kumar to provide his voice sample so that his involvement can be investigated.

Learned counsel for the petitioner has further submitted that in any case the petitioner has already joined investigation and is fully cooperating with the investigation process and is no longer required for custodial investigation. Learned State counsel, on instructions from SI Gurdev Singh, has affirmed the same

In view of above stand taken by the learned counsel for the State, the present petition is allowed. Interim order dated 13.8.2020, is hereby made absolute.

February 15, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No