

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

CRM-M-28806-2021 (O&M)
Date of Decision:-24.11.2021

Yashpal Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prabhjeet Singh Sullar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by Inspector Vinay Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.43 dated 2.2.2021 at Police Station Kanina, District Mahendergarh under Sections 148, 149, 323, 379-B, 427, 447, 506 of Indian Penal Code and Sections 27, 54 and 59 of Arms Act.
2. The FIR was lodged at the instance of Virender Singh son of late Jagpal Singh, wherein it is alleged that on 02.02.2021, when he was present at HP Petrol Pump alongwith his employee Hanuman at about 1:10 PM, then Munesh wife of Mahabir, her husband Mahabir, her sons Rahul and Raj Singh accompanied by 10/12 anti-social elements came there in a Pick-up vehicle and gave a blow with iron rod on his head and snatched his mobile phone and an amount of Rs.5,16,000/- from his office. It is further alleged

that the said persons also took away LED TV, bed, freeze, almirah, important documents, ATM card, Credit card, cheque books, 1200 oil pouches and gas cylinder while DVR and cameras were broken. It has further been stated therein that even on previous occasions, the complainant had submitted applications to the police in respect of similar incidents. It is alleged that now the accused had taken forcible possession of the Petrol Pump and have been threatening the complainant with dire consequences in case he approached the police.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated on the basis of a disclosure statement allegedly made by co-accused Mahabir, which would hardly carry any evidentiary value. Learned counsel has submitted that it is in fact a case regarding dispute over possession of the petrol pump and that all the members of the family of Mahabir have been arrayed as accused by name while other 10/12 persons are stated to be accompanying them. Learned counsel has submitted that no sanctity can be attached to the disclosure statement made by the co-accused in the absence of any other credible evidence and since the petitioner has already joined investigation, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by a co-accused, his complicity is clearly evident. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has joined investigation and is not required for any custodial interrogation. Learned State counsel has further informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that while several accused are named in the FIR, the petitioner is not named therein and has been nominated subsequently on the basis of a disclosure statement made by the co-accused, the veracity and admissibility of which would be debatable.
7. In view of the aforestated position, wherein the petitioner is stated to have joined investigation and is not even stated to be required for any custodial interrogation and is not involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 26.7.2021 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.

24.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No