

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

CRM-M-43307-2020 (O&M)
Date of Decision:-5.4.2021

Pawan Kumar alias Ponna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Verma, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Mahipal.

(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 vide FIR No.207 dated 26.9.2020 at Police Station Siwan, District Kaithal under Sections 136 and 137 of Electricity Act, 2003 and Sections 379 and 411 of Indian Penal Code.
2. At the time of issuance of notice of motion the following order was passed on 22.12.2020:

“ Learned counsel for the petitioner contends that although the allegations in the FIR pertain to theft of about 200 liters of transformer oil from 2 transformers by some unknown persons, the petitioner is being sought to be nominated as an accused on

the basis of an alleged disclosure statement made by the petitioner himself when he was in custody in connection with another FIR wherein he stated that he had been purchasing transformer oil from one Ajaib Singh @ ₹40/- per liter and used to sell it @ ₹80/- per liter and that he had purchased about 580 liters of transformer oil and that he was still in possession of about 200 liters of transformer oil.

Learned counsel for the petitioner has submitted that no sanctity can be attached to such like disclosure statement made by an accused in custody.

Notice of motion for **5.4.2021**.

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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Ms. Sheenu Sura, DAG, Haryana, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.

Learned State counsel to apprise this Court as to why the petitioner despite having made the aforesaid disclosure statement was not arrested by the police.”

3. The learned State counsel, upon instructions from ASI Mahipal, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation. It has, however, been informed that the petitioner stands involved in six other identical cases.
4. On the other hand, learned counsel for the petitioner has submitted that all the six other cases were lodged in the month of September 2020. It has

further been informed that even in the said FIRs he is not named and has been nominated on the basis of disclosure statements, which clearly shows that he is being falsely implicated.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case and keeping in view the fact that the petitioner has since joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 22.12.2020 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.

5.4.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No