

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

207

CRM-M-44214-2020 (O&M)

Date of Decision: 27.04.2021

Dharambir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Ram Niwas.

(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 against him vide FIR No.223 dated 31.10.2019 at Police Station 13-17, Panipat, under Sections 420/467/468/471/120-B IPC and Section 61 of the Excise Act.
2. At the time of issuance of notice of motion on 28.12.2020, the following order was passed:

“A truck carrying 528 cartons of liquor was intercepted by the Police and its driver Rajender was apprehended at the spot. The document/s produced by driver Rajender were found to be forged. It is the case of the prosecution that during the course of interrogation, the aforesaid Rajender suffered a disclosure statement to the effect that he had been working with co-accused Krishan Numberdar. Upon investigation, it was found that Krishan was lodged in Rai Bareli Jail (UP) in connection with another case. Upon interrogation of the aforesaid

Krishan Numberdar, he disclosed that he was working with Dharambir Singh (petitioner).

Learned counsel for the petitioner has submitted that he sought to be nominated as an accused after about 1 year and 2 months of the occurrence on the basis of an alleged disclosure statement, which would hardly carry any evidentiary value.

Notice of motion for 26.04.2021.

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xx”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that he is involved in 6 other cases.
4. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of disclosure statement initially made by co-accused Rajender, who nominated co-accused Krishan Numberdar, who at the given point of time was confined in jail and upon whose interrogation, the present petitioner came to be named, the veracity and admissibility of such statements would certainly be debatable and while also noticing that the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 28.12.2020 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.

27.04.2021

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No