

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

CRM-M-44301-2020 (O&M)

Date of Decision:- 17.8.2021

Sukhwinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paviterdeep Singh Bhinder, Advocate, for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab,
assisted by SI Karamjit Singh.

(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. 22 dated 29.01.2020 registered under Sections 302, 341, 323, 427, 506, 120-B IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Patiala, District Patiala.
2. At the time of issuance of interim directions on 19.2.2021 the following order was passed:

“Reply filed on behalf of respondent-State is taken on
record.

This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.22 dated 29.01.2020 registered under Sections 302, 341, 323, 427, 506, 120-B IPC and Section 25 of Arms Act, 1959 at Police Station Sadar Patiala, District Patiala.

Counsel for the petitioner herein would contend that in fact the aforesaid FIR was got registered on the statement of Gian Singh regarding the incident when several persons had fired upon his son Deepak, which injuries resulted in his death. He had named Mahavir, Sukhchain Singh, Jagdeep Singh, Nirmal Singh, Ramani Cheeka, Kala Rehra, Naseeb, Dhanpati and 7-8 unknown persons as persons, who had attacked upon the son of the complainant. It is further submitted that in fact, supplementary statement was recorded to the effect that Manpreet Singh alias Khan, Ram Bhagat alias Sanju, Kuldeep Singh son of Jai Singh and Sandeep Singh Sandhu alias Soni Sidhu were also involved in the incident. In fact Ram Bhagat alias Sanju was arrested on 11.11.2020 and it is on his interrogation that name of the petitioner herein was disclosed as person, who was also accompanying the main accused.

Counsel for the petitioner would further contend that in fact the disclosure statement cannot be read as an evidence against the petitioner herein without there being any conclusive evidence in this regard.

The petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the

satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List for further consideration on 17.08.2021.”

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case on the basis of a disclosure statement allegedly made by a co-accused and that such like disclosure statement would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since one of the co-accused has categorically named the petitioner, it is evident that he has also joined hands with other co-accused. Learned State counsel upon instructions from SI Karamjit Singh has however, informed that the petitioner has already joined investigation and is not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Although there are serious allegations of murder against the accused but it is a case where the complainant had named 8 accused in the FIR apart from stating that there were another 7/8 unknown persons who had attacked the son of the complainant. The petitioner was not named therein. Further when the supplementary statement of the complainant was recorded, 4 more persons namely Manpreet Singh @ Khan, Ram Bhagat @ Sanju, Kuldeep Singh and Sandeep Singh came to be named and the petitioner was again not named in the supplementary statement. However, as per the prosecution it is

subsequently on the disclosure statement allegedly made by Ram Bhagat that the petitioner came to be nominated as an accused. The veracity and admissibility of such like disclosure statement would certainly be debatable particularly when the petitioner has not been named by the complainant. In any case since the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is hereby accepted and the interim directions issued by this Court vide order dated 19.2.2021 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.

17.8.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No