

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

CRM-M-43594-2019 (O&M)
Date of Decision:- 31.8.2021

Surjit Singh @ Baba

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bhateja, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harpreet 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. 106, dated 19.9.2019, Police Station Division-2, District Pathankot, under Sections 457, 380, 427, 511 of IPC.
2. The FIR was lodged at the instance of ASI Gurdas Mal wherein it is alleged that on the night of 18.9.2019 when the police party was patrolling, they noticed two boys standing outside ATM and one of them was carrying an iron rod and was trying to break the ATM, while the other was standing outside. It is the case of prosecution that while the police party was able to apprehend one of them who

disclosed his name as Sukhwinder Singh, the other managed to escape. However, during interrogation Sukhwinder Singh disclosed the name of his accomplice as Surjit Singh (petitioner).

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 the co-accused which would hardly carry any evidentiary value. It has been submitted that in fact said Sukhwinder Singh owes some amount to the petitioner and on account of which he has chosen to falsely implicate the petitioner.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by co-accused, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner has since joined investigation and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The petitioner was never arrested at the spot and has been nominated on the basis of disclosure statement. The admissibility and veracity of disclosure statement of a co-accused is certainly debatable. In any case, since the petitioner is stated to have joined investigation and is not even involved in any other case, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.11.2019 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.

31.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No