

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-292-2022

Date of Decision : 07.01.2022

Nirmal Singh

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Krishan Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.34 dated 27.01.2021 registered under Sections 395 & 397 of the IPC at Police Station Chandimandir, District Panchkula.

Learned counsel for the petitioner argues that the petitioner has been nominated on the basis of the disclosure statement of the co-accused and the said disclosure statement carries no weight as of now. Learned counsel for the petitioner submits that co-accused namely, Kuldeep Singh @ Radhey and Kuldeep Singh @ Rahul have already been extended the benefit of regular bail by this Court and as nothing is to be recovered from the petitioner and the petitioner is also ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail.

Learned State counsel submits that in the disclosure statement

of the co-accused, it has come that the petitioner was a gang leader and most of the items, which were taken from the complainant including a laptop and money is still with the petitioner, which needs to be recovered and the same can only be recovered by the custodial interrogation of the petitioner. Learned State counsel further submits that during the course of interrogation of the other co-accused, it has come that the petitioner is involved in other cases as well, which also need to be investigated and the truth can only be elicited by the custodial interrogation of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case, where the petitioner has been described by the co-accused as a mastermind and most of the items ,which were taken from the complainant and allegedly in the possession of the petitioner, are yet to be recovered from him, the custodial interrogation of the petitioner is necessary.

Further, this is not a case, where allowing the petitioner to join the investigation and cooperate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in *State represented by the C.B.I. Vs. Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail.

With regard to the contention of the learned counsel for the petitioner that the co-accused have already been extended the benefit of regular bail by this Court, the same cannot come to the rescue of the petitioner as the co-accused were granted the benefit of regular bail by the

Court and the grant of regular bail and anticipatory bail stands on different footing.

In view of the above, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No