

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

208

CRM-M-35925-2021

Date of Decision: 15.02.2022

Sukhchain Singh @ Chaina

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab,
assisted by ASI Surjit Singh.

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.0201 dated 13.10.2020 at Police Station Nathana, District Bathinda, under Sections 399/411/402/379-B/379 IPC and Section 25 of the Arms Act.
2. At the time of issuance of notice of motion on 02.09.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0201 dated 13.10.2020 at Police Station Nathana, District Bathinda under Sections 399, 411, 402, 379-B, 379 of Indian Penal Code and Section 25 of Arms Act.

Learned counsel for the petitioner submits that it is a case where the police had allegedly received secret information against 10 persons, who are duly named in the FIR, to the effect that the said persons indulged in looting and carried illegal weapons and

that even on the given day they had assembled at a brick kiln at Poohla Bath link road.

It is the case of prosecution that pursuant to receipt of said information, 4 persons namely Lovepreet @ Lavi, Lachhman Singh, Gobind Singh @ Kalu and Jasbir Singh @ Jassu were arrested. It is further the case of prosecution that upon a disclosure statement made by the accused, one Chamkaur Singh came to be nominated and who was arrested and upon arrest of Chamkaur Singh, he further disclosed the names of Deepu Giani, Lovely @ Rokar, Sukhchain Singh @ Chaina (petitioner), Bahal Singh @ Bahla and Jagjit Singh @ Balle Balle.

Learned counsel for the petitioner has submitted that the petitioner was nowhere named in the FIR and has subsequently been nominated as an accused on the basis of disclosure statement of one Chamkaur Singh, who himself came to be nominated on the basis of disclosure statement of another accused. It has been submitted that such like disclosure statements would hardly carry any evidentiary value and it is apparent that the petitioner has been falsely implicated. It has further been submitted that co-accused Sikander Singh @ Buge, who is duly named in the FIR, has already been granted bail by the Trial Court vide order dated 3.3.2021 (Annexure P-1) and that in these circumstances the petitioner, who is on a better footing, deserves the same concession on grounds of parity.

Notice of motion for 15.2.2022.

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 investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since

joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 02.09.2021 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.

15.02.2022

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(GURVINDER SINGH GILL)
JUDGE

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