

2023:PHHC: 143031

239 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48608-2023
Date of decision: 08.11.2023

Sanjiv Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Karan Jindal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.180 dated 20.08.2022 under Sections 120-B, 420, 467, 468, 471 of the IPC registered at Police Station Raipur Rani, District Panchkula.
2. Custody certificate of the petitioner is taken on record.
3. Learned counsel for the petitioner contends that the petitioner was working in the office of District Social Welfare Office. He was neither named in the FIR in question nor was any suspicion raised qua his involvement in the crime in question.
4. In support, learned counsel has drawn the attention to this Court to the FIR Annexure P-1. It has been further submitted that both the co-accused Rajinder Kumar and Kamla Devi, who were named in the FIR and who were the alleged beneficiaries have since been extended the concession of regular bail and anticipatory bail respectively by the Courts below.

5. Learned counsel submits that the evidenciary value of the disclosure statement, on the basis of which, the petitioner has been nominated as an accused is of weak nature and on this ground itself, the petitioner deserves to be extended the concession of bail as his case is on a better footing than the other two co-accused, who as already submitted, have been extended the concession of bail.

6. It has also been contended that the petitioner has clean antecedents and is not involved in any other criminal case.

7. Per contra, learned State counsel while opposing the prayer, on instructions has not disputed that the petitioner was not named in the FIR. However, he submits that name of the petitioner cropped up, during interrogation, when a disclosure statement was suffered by co-accused Rajinder Singh.

8. Learned State counsel on further instructions has informed the Court that investigation of the case in hand is complete as challan stands presented. However, charges are likely to be framed on the next date of hearing i.e. 29.11.2023. It has also been informed that as many as 47 prosecution witnesses have been cited.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the name of the petitioner came to be nominated as an accused on the basis of disclosure statement of the co-accused suffered by co-accused Rajinder Singh, who as already observed earlier, has been enlarged on regular bail and furthermore, since the trial is unlikely to conclude in the near future, this Court deems it fit to extend the concession of bail to the petitioner.

11. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is

made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No