

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

2023:PHHC:054466

CRM-M-54980-2022

Date of Decision: 19.04.2023

CHHOTU SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.S.Virk, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. On 29.11.2022, the Co-ordinate Bench of this Court had passed the following order:

“Apprehending his arrest in FIR No. 327 dated 12.10.2022 for offences punishable under Section 380, 457 IPC, 1860 (Section 411 IPC was added later on) registered at Police Station Nathusari Chopta, District Sirsa, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner has not been named in the FIR but has been nominated on the basis of disclosure statement made by one of the co-accused namely Ghasi Ram who in his confession before the police authorities stated that the spurious diesel stolen by him along with other co-accused was sold to the present petitioner. He further submits that such disclosure statement would be hit by Section 25 of the Indian Evidence Act, 1872 and cannot be relied upon.

Notice of motion.

Mr. Sumit Jain, Addl. Advocate General, Haryana who is present in Court accepts notice.

To come up on 19.4.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting

Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from SI Satbir, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.11.2022 is made absolute.

19.04.2023

Janki

(VIVEK PURI)
JUDGE

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