



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

DATE OF DECISION: 16.07.2024

...PETITIONER

... RESPONDENT

Present: Mr. Vishal Thakur, Advocate for the petitioner(s).
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

2. Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statement made by co-accused-Rohit Kumar @ Aanda with the allegation that he along with other co-accused was paid Rs. 50,000/- for committing offence of snatching from the jeweller shop namely Jaura Ornaments Jewelers. At that time, co-accused Rohit Kumar was already in custody in FIR No. 143 dated 26.04.2024 under Sections 22/62/85 of the NDPS Act and Sections 25/54/59 of Arms Act registered at P.S. City Hoshiarpur.



3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Kuldeep Raj opposes the prayer for grant of bail but could not produce any incriminating evidence connecting the petitioner with the alleged incident except the disclosure statement made by co-accused-Rohit Kumar @ Anda. He further points out that there is a Whatsapp call record between the co-accused persons showing that the petitioner along with other accused was paid Rs. 50,000/- collectively for commissioning of the offence for snatching and robbery from the shop of complainant-jeweller on that day.

5. Be that as it may, on a specific query, learned State Counsel could not establish any evidence prima facie to connect the petitioner with the alleged incident and except disclosure statement there is no reference of the same coming forth. Even otherwise disclosure statement is not a piece of evidence to be admitted as per law.

6. Having regard to the aforesaid facts and limited role attributed to the petitioner, a perusal of the FIR as well as evident from the stand taken by State Counsel, no custodial interrogation of the petitioner seems to be required at this stage and this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and



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cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

7. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

8. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

9. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.07.2024
anuradha

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