

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

CRM No. M-12899 of 2015

Date of decision:- July 24, 2015

Rajinder Singh

.....Petitioner..

Vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Jasdeep singh Gharuan, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

JASPAL SINGH, J. (Oral)

This order shall dispose of a petition moved under Section 438 of the Code of Criminal Procedure preferred by Rajinder Singh, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 26, dated 22.02.2015, under Section 409 IPC, at Police Station Morinda, District Rupnagar.

2. While issuing notice of motion, following order was passed by this Court on April 24, 2015:-

“Learned counsel for petitioner *inter alia* contends that petitioner is already facing trial in case bearing FIR No.186, dated 19.08.2014, under Section 409 IPC, registered at Police Station Morinda but subsequently, on the basis of same allegations, a

fresh FIR No. 26, dated 22.02.2015, under Section 409 IPC has been registered at same police station. Moreover, complainant has been cited as witness in the FIR earlier registered, in which petitioner is facing trial.

Notice of motion to the respondent for 03.07.2015.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.”*

3. Learned State counsel, on instructions from ASI Dilbag Singh, has submitted that in compliance of order dated April 24, 2015, petitioner has already joined the investigation on May 19, 2015 and further interrogation of petitioner is not required. It is also an undisputed fact that complainant in this case, has also been cited as witness in another case, in which, trial is being faced by petitioner i.e. in FIR No. 186, dated 19.08.2014, under Section 409 IPC, at Police Station Morinda, District Rupnagar.

4. Taking into consideration all the aforesaid aspects of the

case, order dated April 24, 2015, is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

(JASPAL SINGH)
JUDGE

July 24, 2015
sonika