

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6921-2015

Date of decision:- May 14, 2015

Firoz Kumar

....Petitioner...

vs.

State of Punjab

....Respondents...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Jagtar Kureel, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J.

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Firoz Kumar-petitioner, feeling apprehension of his arrest, in case FIR No. 335, dated 11.07.2009, under Sections 379, 411, 420, 465, 467, 468, 471 and 489 IPC, registered at Police Station Sadar Patiala.

2. On March 04, 2015, while issuing notice of motion, following order was passed:-

“Learned counsel for the petitioner contends that the petitioner is facing trial in case bearing FIR No.100, dated March 13, 2009, under Sections 379, 411, 489, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Sadar, Patiala. In that case, he was

arrested and released on bail by the Ilaqa Magistrate on January 17, 2015. But subsequently, it came to light that another FIR No. 335, dated July 11, 2009, has already been registered under Sections 379, 411, 420, 465, 467, 468, 471 and 489 IPC. The case pertains to the year 2009. The petitioner also remained behind the bars for considerable period after his arrest in another case but no effort was made by the concerned police to seek his custody in FIR No. 335, dated July 11, 2009.

Notice of motion for 01.05.2015.

In the meanwhile, the petitioner if arrested, shall be released on interim bail to the satisfaction of arresting officer/investigating officer, subject to condition that petitioner shall join the investigation as and when required by the police and shall also comply with the conditions specified in Section 438 (2) Cr.P.C.”

3. Learned State counsel, on instructions, from ASI Mohan Singh, has submitted that in compliance of order dated March 04, 2015, passed by this Court, petitioner has joined the investigation and he is no more required for further interrogation.

4. Accordingly, order dated March 04, 2015 is made absolute, subject to the following conditions prescribed 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.”*

(JASPAL SINGH)
JUDGE

May 14, 2015
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