

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

CRM-M -15103 of 2016 (O&M)
Date of decision: 09.08.2016

Ashok Kumar Sofat

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Munish Raj, Advocate for
Mr. G.S. Nahel, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Bhupinder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.79, dated 03.04.2016, registered under Section 420 read with Section 34 IPC, at Police Station Kotwali Bathinda, District Bathinda.

On 04.05.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.79 dated 03.04.2016, under Sections 420/34 IPC, registered at Police Station Kotwali Bathinda, District Bathinda.

FIR came to be registered on an application moved by one Mukesh Kumar with the assertions that the complainant along with a number of other investors had deposited a sum of approximately Rs.17 lacs with three firms i.e. M/s O.G.L. Infrastructure Private Limited, 4 S Forever and Top Bright on the inducement that attractive interest would be paid but the investors have been duped of their money.

It is the contention raised by learned counsel that the present petitioner is resident of Kullu, Himachal Pradesh and has no concern with any of the companies aforementioned. Further contended that the petitioner is being implicated solely on the basis that his real brother, namely, Pawan Kumar is a Director in one of the company i.e. M/s O.G.L. Infrastructure Private Limited.

Notice of motion, returnable for 09.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 04.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on

the merits of the case, the interim bail granted by this Court vide order dated 04.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

09.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No