

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

Sr. No.205

**CRM NO. M-16383 of 2016
DECIDED ON: August 23, 2016**

SUKHWINDER SINGH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Singh Behgal, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. Naveen Sharma, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

This is a petition preferred by the petitioner-Sukhwinder Singh under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 136, dated April 21, 2016, under Sections 120-B, 406, 420, 467, 468 & 471 of IPC, registered at Police Station Baldev Nagar, District Ambala City.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on May 13, 2016:-

“Counsel would place reliance upon an order dated 12.05.2016 passed by this Court in CRM No.M-16386 of 2016 to contend that co-accused Karamjit Kaur has been granted ad interim protection as regards arrest.

Notice of motion, returnable on 23.08.2016.

To be heard along with CRM No.M-16386 of 2016.

In the meanwhile, petitioner is directed to appear

before the 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.”

On instructions from ASI Ashok Kumar, learned State counsel has submitted that the petitioner has already been joined the investigation.

However, learned counsel for the complainant states that the amount is still required to be effected.

Since, instant FIR is second one on the same set of allegations and the petitioner has already joined the investigation in compliance of order dated May 13, 2016, this Court is of the considered view that it is a fit case where discretion envisaged under Section 438(2) Cr.P.C. can be exercised.

Taking into consideration the aforesaid aspects as well as other aspects involved in the matter, instant petition is allowed. Interim order dated May 13, 2016 is made absolute and shall enure till the disposal of the trial but subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

August 23, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No