

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

CRM-M-30721-2016

Date of decision: November 08, 2016

Gagan Malik

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rishu Mahajan, Advocate
 for the petitioner.

 Mr. R.P.S. Sidhu, AAG, Punjab
 for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioner has sought pre-arrest bail in case bearing FIR No.26 dated 21.02.2015, under Sections 406, 420 of Indian Penal Code, registered at Police Station Division No.7, Jalandhar.

At the time of issuance of notice of motion vide order dated September 01, 2016, the following order was passed:-

“Notice of motion for 08.11.2016.

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

Though, it has been clearly stated by Mr. R.P.S Sidhu, AAG, Punjab that in compliance of the order dated September 01, 2016, petitioner has joined the investigation, yet, he has failed to get recover an amount of Rs.1,00,000/-. Since the petitioner has already been subjected to interrogation and has joined the proceedings, further recovery of the

amount is stated to be outstanding against the petitioner. Complainant shall be at liberty to have recourse with the other remedies available to him under the law. For that reason, the relief claimed by the petitioner cannot be declined.

In view of the aforesaid facts, order dated September 01, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1. that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. 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;*
- 3. that the petitioner shall not leave India without the previous permission of the Court.*

November 08, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No