

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

CRM-M-32084-2016

Date of decision: November 08, 2016

Iqbal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Syan, Advocate
for the petitioner.

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

Mr. Gopal Sharma, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, in case bearing FIR No.160, dated 22.08.2016, under Sections 420, 120-B of IPC, registered at Police Station Kotwali, Patiala.

At the time of issuance of notice of motion vide order dated September 14, 2016, the following order was passed:-

“Inter alia learned counsel for the petitioner has contended that initially a memorandum of mutual understanding dated November 13, 2013 as entered into between the petitioner and complainant party. Subsequently, some loss occurred. Thereafter, complainants Sewa Singh, Balwinder Singh and Satinder Singh also sworn an affidavit, Annexure P-2, according to which, they have asked the petitioner to return the amount. At the time of entering into memorandum of mutual understanding, the complainants had deposited a refundable security to the tune of ₹ 3 lac.

Learned counsel further contends that petitioner is ready to deposit ₹ 3 lac, which is alleged to have been paid by the complainant party at the time of execution of memorandum of mutual understanding.

Notice of motion for 8.11.2016.

In the meantime, in the event of arrest, petitioner is ordered to be released on interim bail by the Arresting Officer, subjecting to his joining investigation and abide by all the terms & conditions enshrined under Section 438(2)

This order shall be operative subject to petitioner's depositing ₹ 3 lac with the Chief Judicial Magistrate, Patiala."

Learned State counsel on instructions from ASI Birinder Pal, has submitted that petitioner has already joined the investigation and has deposited the amount of ₹ 3,00,000/- in compliance of the order dated 23.09.2016, therefore, he is no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated September 14, 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