

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33907 of 2016
DECIDED ON: December 22, 2016

MANINDER SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohinder Kumar, Advocate for the petitioner.

Mr. B.S. Cheema, DAG, Punjab.

Mr. Salil Bhanot, Advocate,
for the complainant.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.146, dated 12.08.2016, under Section 420 IPC, Police Station City Tarn Taran, District Tarn Taran, Punjab.

2. Learned State counsel on instructions from ASI Lakhwinder Singh, Police Station City Tarn Taran, has categorically submitted that in compliance of order dated 23.09.2016, the petitioner has already joined the investigation and is no more required for further investigation.

4. However, at this stage, Mr. Salil Bhanot, Advocate, for the complainant has submitted that the petitioner had been taking the petrol/diesel from the Petrol Pump of the complainant, though, earlier he has been making the payments by cash but subsequently, he has failed to pay the amount outstanding against him approximately to the tune of Rs.9 lac. On the other

hand, case of the petitioner is that a sum of Rs.5 lac is recoverable from the complainant but that matter is not required to be settled while disposing of the petition/application for bail or pre-arrest bail. However, one thing is evident that the petitioner has joined the investigation and is no more required by the investigating agency for further investigation or interrogation.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 23.09.2016 is made absolute and shall enure during the pendency of trial but subject to the following conditions provided 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.*

December 22, 2016
sonika

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*