

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

CRM No.M-8115 of 2016

Date of decision: October 19, 2016

Sukhjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajvir Singh, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab assisted by
Mr. Narinder Singh, Advocate
for the complainant.

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, feeling apprehension of his arrest, in case FIR No.03 dated 14.01.2016, under Sections 420, 406 IPC registered at Police Station City Banga, SBS Nagar, during the pendency of the trial.

At the time of issuance of notice of motion vide order dated 1st June, 2016, following order was passed:-

“Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Sukhjinder Singh in case FIR No.03 dated 14.01.2016 for offences punishable under Sections 420, 406 of Indian Penal Code registered with Police Station City Banga, SBS Nagar.

As per allegations of the complainant Jaswinder Lal, petitioner and his co-accused had induced him to pay a sum of Rs.7 lacs for sending him to Australia.

It is contended that without prejudice to his rights, the petitioner in terms of compromise (P-4) is ready and willing to deposit a sum of Rs.1 lacs as part payment.

Notice of motion for 16.08.2016 subject to the petitioner depositing Rs.1 lacs after the next date of hearing.

At this stage Mr. Narinder Singh, Advocate accepts notice on behalf of the complainant.

Till next date of hearing, in the event of arrest, petitioner shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, he shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.”

Learned State counsel on instructions from HC Lakhbir Singh, Police Station City Banga has fairly submitted that in compliance of the order dated 1st June, 2016, petitioner has joined the investigation and is not required for further custodial interrogation/investigation.

Further, it has been submitted by learned counsel for the petitioner that in pursuance of the order dated 1st June, 2016 referred to above, he has brought a draft for a sum of Rs.1,00,000/-. Let the same be deposited with the Office of the Registrar of this Court within three days but subject to the orders passed by this Court subsequently with regard to its disbursement.

Since the petitioner is no more required for further interrogation as has already been interrogated, the order dated 1st June, 2016 is made absolute subject to the following conditions, as envisaged 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.

This order shall enure during the pendency of the trial.

October 19, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No