

CRM-M-NO. 8864 OF 2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-NO. 8864 OF 2019
Date of Decision: 29.04.2019

Avtar Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Raj Kapoor Malik, Advocate for the petitioner.
Mr. Yashwinder Singh, DAG, Haryana.
Mr.Kushagra Mahajan, Advocate for complainant.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.') for grant of pre arrest bail to the petitioner in case FIR No.0016 dated 04.02.2019, under Sections 406, 420,467,468 and 471 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Guhla, District Kaithal.

This Court on 27.02.2019 passed the following order:-

“Learned counsel for the petitioner submits that neither the petitioner is witness to the agreement nor he received any amount. He is not beneficiary in any manner. Co-accused of the petitioner namely Gurpreet Singh filed CRM-M No.7926 of 2019, wherein notice of motion has been issued and the same is now fixed for hearing on 29.04.2019.

Notice of motion.

Mr. Kushagra Mahajan, Advocate has put in appearance on behalf of the complainant and opposed the bail on the ground that two more cases of similar nature are there against the

petitioner. Learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

Adjourned to 29.04.2019.

To be heard along with CRM-M No.7926 of 2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the arresting officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

- (i) that the petitioner shall make himself available for interrogation before Investigating 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 prior permission of the Court.”*

Learned counsel for the petitioner has submitted that in terms of the previous order dated 27.02.2019 of this Court, the petitioner has joined the investigation. Further submits that even the matter has been compromised with the complainant.

The above factual position is duly acknowledged by learned counsel for the complainant.

Learned State counsel has also acknowledged, on instructions from SI Bhim Singh, the factum of joining the investigation by the petitioner.

In view of the above, the interim order dated 27.02.2019 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C as well as payment of costs of Rs.25,000/-, to be deposited with the

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Headmaster, Government Senior Secondary School, Village Karhali, Tehsil and District Patiala, Punjab within three weeks from today and the same shall be utilized for construction of toilet(s) for girl students. If any amount remains un-utilized, the same be used for purchase of text books / stationery for the deserving students of the school.

The present petition is disposed off.

29.04.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No