

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

CRM-M-29470 of 2018(O&M)
Date of Decision: 30.08.2019

Dewan Bal Krishan @ Dewan Bal Kishan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Garg Narwana, Sr.Advocate with
Mr. Avnish Mittal, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Amit Sharma, Advocate for
Mr. Pardeep Bajaj, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C. seeking pre arrest bail in case FIR No. 141 dated 28.02.2018, under Sections 383, 420,506 and 120-B of the Indian Penal Code (Sections 342, 384, 386, 467, 468 and 471 of IPC were added later on) registered at Police Station Sector 5, Panchkula.

On 17.07.2018, while issuing notice of motion, the following order was passed by this Court:

“Heard.

Learned counsel for the petitioner submits that after losing battle in civil court, complainant resorted to file complaint before the police and got registered the FIR. The co-accused have already been allowed interim bail and nothing is to be recovered from the petitioner in this case as the entire case complainant is based on documentary evidence.

Notice of motion.

Mr. Pardeep K. Bajaj, Advocate has put in appearance on behalf of complainant and has filed power of

attorney.

Petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

Be listed alongwith **CRM-M-26425-2018** on 29.08.2018”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation on various occasions.

Learned State counsel on instructions from DSP Gurmail Singh has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case. Even learned counsel for the complainant also candidly stated that he has no objection in case the above interim order is made absolute.

In view of the agreed stand adopted by both sides, order dated 17.07.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is clarified, that in case the presence of petitioner is required for any further investigation, he shall fully co-operate.

[MAHABIR SINGH SINDHU]
JUDGE

August 30, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no