

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

**CRM-M No.32386 of 2018 (O&M)  
Date of Decision: 18.03.2019**

Mohinder Singh

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. IPS Issar, Advocate for  
Mr. Sunil Polist, Advocate for the petitioner(s).

Mr. Yashwinder Singh, Deputy Advocate General, Haryana  
for the respondent/State.

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**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.176 dated 28.03.2018, under Sections 471, 468, 467, 420 and 120-B of the Indian Penal Code, registered at Police Station Kaithal City, District Kaithal.

This Court, while issuing notice of motion on 07.08.2018, passed the following order:-

*“ Short question for consideration in the present petition is whether Court below while deciding the civil suit directed the Superintendent of Police of the concerned jurisdiction to file FIR against party to the proceedings without complying to Section 340 of the Cr.P.C. or not?*

*Learned counsel for the petitioner submitted that while deciding Civil Suit No.33 of 2016 CIS No.495 of 2014 titled “**Mohinder Singh Vs. Sita Ram and others**”. Court below while dismissing the suit proceeded to direct the Superintendent of Police, Kaithal for registration of FIR against the plaintiff and proforma defendant No.4 under Section 420/467/468/471 read with Section 120 IPC.*

*Notice of motion for 05.10.2018.*

*In the meantime, petitioner is entitled to the benefit of interim bail in view of the interpretation of Section 340 Cr.P.C. is involved in the present petition. Petitioner is directed to appear before the Investigation Officer and join investigation and in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting/Investigating Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Cr.P.C. ”*

It is contended by learned Counsel for the petitioner that in pursuance of the above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Ram Niwas.

In view of above, interim order dated 07.08.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

**March 18, 2019**

Gagan

**( MAHABIR SINGH SINDHU )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |