

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

**CRM-M No.36454 of 2018 (O&M)
Date of Decision : 23.05.2019**

Shamsher Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Kumar Kansal, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.31 dated 27.01.2018 registered under Sections 420/467/468/471 IPC at Police Station City Narwana, District Jind, Haryana.

On 24.08.2018 the following order was passed:-

“Learned counsel for the petitioner contends that there is no allegation against the petitioner in the FIR and he has not been named in the FIR. The allegations are against co-accused-Deepak, who is also the beneficiary by forging the documents and has been released on anticipatory bail by this Court on 24.5.2018 in Crl. Misc. No. M-9621 of 2018. The petitioner is also ready to join the investigation.

Notice of motion for 15.10.2018.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating 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.”

Thereafter on 03.05.2019 the following order was passed :-

“Learned counsel for the petitioner states the petitioner had gone to give voice sample but the same could not be taken and prays for one more opportunity.

Learned AAG on instructions from ASI Dilbag Singh states that he would have no objection if one more opportunity is granted to the petitioner to record his voice sample.

Prayer made by the counsel for the petitioner is allowed. Let the petitioner appear before the IO at 10:00 am on 16.5.2019 or any other date IO may require his presence to give his voice sample.

Adjourned to 23.5.2019.

Interim order to continue.”

Learned State counsel on instructions from SI Bhoop Singh states that the voice sample has been given but the report has not been considered.

In the circumstances, once the petitioner's voice sample has been given the interim order dated 24.08.2018 is confirmed. Resultantly, the petition is allowed. However liberty is granted to the prosecution to apply for cancellation of bail after the report of the FSL.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

23.05.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No