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

CRM-M-38898 of 2018 (O&M)

Date of decision: July 16, 2019

Atul Dhirubhai Patel and another

.....Petitioners

Versus

State of U.T., Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet Goel, Advocate for the petitioners.

Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, Additional P.P. U.T., Chandigarh.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioners, in FIR No.213 dated 30.04.2018, under Section 420 of Indian Penal Code, 1860, registered at Police Station Sector-31, Chandigarh.

As per prosecution case, petitioners along with co-accused cheated the complainant and duped her.

On 07.09.2018, while issuing notice of motion, this Court has passed the following order:-

“Heard.

Learned counsel for the petitioners submits that in the FIR, no allegations of cheating have been levelled against the petitioners. It is a detailed FIR in which allegations have been levelled against four persons but not against the petitioners.

Notice of motion for 05.12.2018.

Petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned counsel for the U.T., Chandigarh, on instructions from police official present in Court to assist him, has submitted that petitioners have joined investigation in terms of order dated 07.09.2018 and their custodial interrogation is not required.

In view of the above, order dated 07.09.2018 granting interim bail to the petitioners, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

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

(MAHABIR SINGH SINDHU)
JUDGE

July 16, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**