

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

CRM-M-41501-2018

Date of Decision: 04.10.2019

Kashiff Khan

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.S.D.S. Bali, Advocate for the petitioner.
Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

On 28.09.2018, following order was passed by this Court:-

“This court deem it appropriate that petitioner be allowed to join investigation before the Arresting/Investigating Officer within seven days. In the event of his arrest, he be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer. However, he shall abide by the following terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which he shall loose the benefit of interim bail allowed to him:-

(i) that the petitioner shall make himself available for interrogation by the police 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 accusation against him 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.

(iv) that the petitioner will seek regular bail on the presentation of challan in court. Adjourned to 12.11.2018.”

Learned counsel for the State, on instructions from ASI Malkit Ram, has submitted that the petitioner has already joined the investigation, cooperated and not required for further custodial interrogation.

Learned counsel appearing for the first informant prays that the interim bail granted to the petitioner be not confirmed as he has duped various persons including the first informant.

On reading of the FIR, it is apparent that primarily dispute between the parties is arising from a financial transaction and a franchise agreement.

If the petitioner has committed any other offence, the same shall be examined by the Court after the prosecution leads evidence. Petitioner is on interim bail since 28.09.2019. The case is triable by the Magistrate.

In view of the above, the present petition is allowed and the order dated 28.09.2018 is made absolute.

04.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No