

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

CRM-M-25538 of 2019
Date of Decision: 10.09.2019

SACHIN ARORA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.K. Sharma, Advocate
for the petitioner..

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. G.S. Jagpal, 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. 326 dated 21.11.2018, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code registered at Police Station Division No.8, Ludhiana.

On 13.06.2019 the following order was passed by this Court:

“FIR was registered as forged No Objection Certificate (NOC) was given to the complainant while selling a car. The other co-accused apart from petitioner are Ajit Kumar Mishra, Kamal Kishore Mishra and the original owner of the vehicle Sachin Gupta. There was a loan outstanding against the car with ICICI Bank, instead of clearing the loan a forged NOC was provided to the complainant.

Upon notice, an affidavit of Sukchain Singh Gill, IPS, Commissioner of Police, Ludhiana has been filed, stating that during investigation Kamal Kishore made a statement that forged NOC was prepared by the petitioner.

Learned counsel for the complainant opposed the petition stating that all the four co-accused deprived him of Rs.19,00,000/- by providing a forged NOC. He further submits that the matter has been compromised with Kamal Kishore and received about Rs.5,00,000/-.

It is evident from record that earlier the complainant has received an amount of Rs.8,80,000/-

Ajit Kumar Mishra and Kamal Kishore sold the car owned by Sachin Gupta to the complainant. Both of them are on bail.

Learned State counsel submits that connected matter is listed for hearing on 09.07.2019.

Adjourned to 09.07.2019.

Meantime, arrest of the petitioner shall remain stayed subject to the petitioner joining the investigation within a week from today in case of FIR No.326, dated 21.11.2018, under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Division No.8, Ludhiana. Petitioner shall abide by the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

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

Learned State counsel on instructions from ASI Janak Raj has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 13.06.2019 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 10, 2019
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no