

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

CRM-M-41479 of 2019

Date of Decision: 24.10.2019

Nitin Aggarwal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C.
seeking pre arrest bail in case FIR No.54 dated 17.03.2019 under
Sections 420 and 120-B of the Indian Penal Code, registered at Police
Station Civil Lines Batala, District Gurdaspur.

On 26.09.2019, while issuing notice of motion the
following order was passed by this Court:

“Learned counsel for the petitioner submits that as
per the allegations in the FIR, the amount was paid
to one Arwinder Singh @ Angrej Singh and Pushpa
Rani. Later on, when the complainant approached
the aforesaid persons for returning the money, he
came to know that the petitioner is looking after
their work.

Learned counsel for the petitioner further submits
that there is no allegation in the FIR that any amount
was entrusted to the petitioner.

Learned counsel for the petitioner further submits
that co-accused Chetna Aggarwal has already been
granted concession of anticipatory by this Court,
vide order dated 15.05.2019 passed in CRM-M-

18666-2019.

Notice of motion for 24.10.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

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 Kashmir Singh 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 26.09.2019 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

October 24, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no