

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

**CRM-M No.64625 of 2018 (O&M)
Date of Decision: 13.02.2019**

Khem Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Nayan Jain, Advocate for
Mr. Vikram Preet Arora, Advocate for the petitioner.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.73 dated 28.09.2017, under Sections 420, 370 and 120-B of the Indian Penal Code, registered at Police Station Dilwan, District Kapurthala.

This Court, while issuing notice of motion on 26.12.2018, passed the following order:-

“ Learned counsel for the petitioner undertakes that the alleged amount of ₹ 65,000 (₹ 75,000 – 10,000/- already paid) would be refunded to the complainant within a period of one week from today.

Notice of motion for 13.02.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that the payment so made by the petitioner would be subject to the final decision of FIR No.73 dated 28.09.2017 under Sections 420, 370 and 120-B IPC, Police Station Dilwan, District Kapurthala. ”

Today, learned State Counsel, on instructions from ASI Kewal Singh, has pointed out that in terms of aforesaid order, the petitioner has refunded an amount of ₹ 65,000/- to the complainant. Also submitted that petitioner has joined the investigation and his custodial interrogation is not required.

In view of above, interim order dated 26.12.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

It is clarified that payment of ₹ 65,000/- to the complainant would be subject to final decision of FIR No.73 dated 28.09.2017 under Sections 420, 370 and 120-B, IPC, Police Station Dilwan, District Kapurthala.

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

February 13, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>