

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

208

**CRM-M-26337 of 2020
Date of Decision:01.12.2020**

Rakesh Kumar and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Ramdeep Partap, DAG, Punjab

Mr. Karan Padam, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioners seek the concession of 'anticipatory bail', under the provisions of Section 438 of the Cr.P.C., upon FIR no.119, dated 19.07.2020, having been registered at Police Station City-1 Khanna, alleging therein the commission of offences punishable under Sections 420 and 120-B of the IPC.

Pursuant to the order dated 29.09.2020, as per learned State counsel, on instructions from ASI Jagtar Singh, submits that the petitioners have joined

investigation and presently at least their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioners, this petition has in fact rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 7 days notice before arrest, duly shown to be served upon them.

It is to be noticed that learned counsel for the complainant submits that the petitioners are not entitled to the concession of bail looking at the fact that they have duped the complainant of a large sum of money.

Having considered the aforesaid contention, considering that the investigating agency does not required the custodial interrogation of the petitioners, naturally this court would not direct, in this petition at least, to arrest them if they are already cooperating in the investigation.

However, if the complainant is aggrieved in any manner of lack of proper investigation, he would always be at liberty to avail of his remedy as per law.

December 01, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No