

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

CRM-M-1594-2021 (O&M)

Date of decision: 18.02.2021

Jatinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Aman Dhir, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner Jatinder Kumar, an accused in FIR No.259 dated 24.09.2020, for offences under Sections 420 and 120-B IPC, registered with Police Station Gidderbaha, District Sri Muktsar Sahib.

Briefly stated the facts of the case as per prosecution story are that, FIR in question was registered on the basis of written complaint submitted by complainant Surinder Kumar son of Mukhtiari Lal, resident of Roop Nagar, Gidderbaha alleging that Jatinder Kumar son of Jagdish Lal resident of Roop Nagar Gidderbaha along with his co-accused namely Makhan Singh, Sadhu Ram, Krishan Kumar had duped him of his hard earned money by entering into agreements to sell qua the properties which they did not own and in that way cheated him; petitioner Jatinder Kumar was nominated as an accused during the course of investigation

being an attesting witness of three agreements to sell.

Apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Sri Muktsar Sahib by moving an application for grant of pre-arrest bail but was unsuccessful. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that in terms of the direction issued to him by this Court, vide last order dated 13.01.2021, the petitioner has since joined the investigation and has been released on interim bail. He has further contended that the petitioner is simply an attesting witness of the agreements to sell and had not received any financial benefit under the agreements; no offence of cheating on his part is made out; with the petitioner having joined the investigation, his custodial interrogation is not required. Therefore, the present petition be accepted.

Learned State counsel, on instructions from ASI Harnek Singh has conceded the factum of petitioner having joined the investigation, further stating that since no recovery is to be effected from him, his custodial interrogation is not required.

Keeping in view the facts and circumstances of the case and in the light of statement made by the State counsel, I find that the petition deserves to be accepted. Accordingly, the same is allowed. The interim

bail granted to the petitioner, vide order dated 13.01.2021 is made absolute, subject to the following conditions:-

- 1. that the petitioner shall make himself available for investigation by a police officer as and when required;
- 2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3. that he shall not leave India without prior permission of the Court.
- 4. that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

18.02.2021
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No