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

CRM-M-50118-2021

Date of Decision:24.02.2022

Surinder Singh alias Dimple

.....Petitioner

Vs.

State of Punjab

.....Respondent

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CRM-M-4898-2020

Akashdeep Singh @ Bagga

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner (in CRM-M-50118-2021).

None for the petitioner (in CRM-M-4898-2020).

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. J.S. Gill, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By these petitions, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 114 having been registered at Police Station Shri Hargobindpur, Police District Batala, on 03.09.2019, alleging therein the commission of offences punishable under the provisions of Sections 420/406/120-B of the IPC.

The petitioner in CRM-M-4898-2020 having been directed to join investigation and to be admitted to interim bail in case he was sought to be arrested, vide an order passed by this court on 04.02.2020, the petitioner in CRM-M-50118-2021 was also granted the same concession vide an order passed on 01.12.2021.

Today, learned State counsel on instructions from ASI Baljeet Singh, submits that the petitioners having joined investigation, their custodial interrogation at least is not required.

Learned counsel for the complainant, on the other hand, submits that though the matter has in fact been amicably settled between him and the petitioner in CRM-M-4898-2020 (Akashdeep Singh), as regards the petitioner in CRM-M-50118-2021 (Surinder Singh alias Dimple), he is the person who actually defrauded the complainant and is not returning the money.

The merits of the case would lose meaning as regards custodial interrogation of an accused in view of the judgment of the Supreme Court in **MC Abraham** vs. **State of Maharashtra** (2003) 2 SCC 649, wherein it was held that once the investigating agency itself does not require the custodial interrogation of the accused, normally even a constitutional court would not direct that such accused be arrested.

Consequently, again without making any comment on the actual merits of the case, the petitions are allowed and the orders earlier admitting the petitioners to interim bail are made absolute, on the same terms and conditions.

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

A photocopy of this order be placed on the file of the other connected case.

February 24, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.