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

**CRM-M-5330-2023 (O&M)
Date of decision : 19.12.2023**

Sarbjit Singh

...Petitioner(s)

Versus

State of State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Major Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.115 dated 31.10.2022, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Ramdas, District Amritsar.

2. Allegations are that petitioner defrauded the complainant for a sum of Rs.40.00 lakh, on the pretext of sending his son abroad.

3. This Court, on 31.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“As per the case of complainant itself, blank cheques to the tune of Rs.35,00,000/- & Rs.6,00,000/-, respectively, were issued by the petitioner, but the same have already been dishonoured.

If that be so, let photocopy of the cheques along with memos issued by the Bank be brought on record.

Posted for 19.12.2023.

In the meanwhile, order dated 10.04.2023, passed by the Coordinate Bench is modified to the extent that petitioner shall join 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 furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 31.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.
10. Pending application(s), if any, shall stand disposed off.

19.12.2023

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(MAHABIR SINGH SINDHU)

JUDGE

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