

104-1**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-11276-2023 (O&M)****Date of decision : 21.12.2023**

Jarnail Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHUPresent: Mr. SPS Aulakh, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab.

Mr. G.S. Sandhu, Advocate,
for respondent No.2.**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.0139 dated 31.12.2022, under Sections 120-B, 406 & 420 of the Indian Penal Code, 1860, registered at Police Station, Urban Estate, Patiala.

2. Allegations are that petitioner along with other co-accused cheated the complainant and committed criminal breach of trust as they neither adjusted the loan account, nor executed sale deed in his favour, pursuant to agreement to sell dated 29.10.2019 (P-2).

3. Affidavit of Mr. Varun Sharma, IPS, Senior Superintendent of Police, Patiala, dated 21.12.2023, is taken on record.

Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

4. A Coordinate Bench, on 25.04.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Learned counsel for the petitioner submits that the dispute involved in the present case is of civil nature and no transaction of any kind has been done by the petitioner. Learned counsel further contends that there is an unexplained delay in lodging the FIR. Learned counsel submits that nothing is to be recovered from the petitioner and he is ready to join the investigation.

Adjourned to 07.07.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

5. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

6. 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.

7. Although, learned counsel for the complainant-respondent No.2 vehemently opposed the prayer of petitioner, but in view of fact that State is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

8. In view of above, interim order dated 25.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. 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.
11. Disposed off accordingly.
12. Pending application(s), if any, shall stand disposed off.

21.12.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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