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

CRM-M-14946-2023 (O&M)

Date of decision : 05.12.2023

Sundeep Bhupender Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Kripal Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Pawan Kumar Hooda, Advocate,
for the complainant.

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.58 dated 03.03.2021, under Sections 420 & 406 of the Indian Penal Code, 1860, registered at Police Station, Sector 13-17, District Panipat.

2. Allegations are that petitioner along with co-accused cheated the complainant by purchasing goods in his name by hacking ID and password of his Amazon account.

3. A Coordinate Bench, on 28.03.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Prayer is for grant of anticipatory bail in case having FIR No.58 dated 3.3.2021 registered under Sections 420, 406 IPC at Police Station Sector 13-17, District Panipat.

The counsel for the petitioner inter alia contends that the accused persons are falsely implicated in the present case on account of business rivalry between them and the complainant and prior to registration of the present case, they were running joint business and even otherwise they are closely related to each other. The counsel for the petitioner further submits that the alleged dispute between the parties is of civil nature and already co-accused Naveen Rathee has been granted interim protection vide order dated 8.2.2022 (Annexure P-15) and he has already joined investigation with the police. The counsel for the petitioner submits that the petitioner who is having no criminal history is also willing to join investigation with the police.

Notice of motion.

On the asking of the Court, Mr. Naveen Kumar Sheoran, DAG, accepts notice on behalf of State of Haryana and on instructions from ASI Subhash Chand submits that at the relevant time the petitioner was in England and he is the person who changed concerned password and ID of the complainant. However the State counsel has not disputed the fact that similarly situated co-accused Naveen Rathee is already granted interim protection vide order dated 8.2.2022 (Annexure P-15) and that the petitioner is having no criminal history.

*Now be listed on **19.5.2023**.*

*To be heard along with **CRM-M-5145-2022**.*

In the meanwhile, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.”

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

required. Further submits that the parties i.e. petitioner as well as complainant have amicably settled their dispute.

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. Learned counsel for the complainant also acknowledged that there is a compromise between the parties.

7. In view of above, interim order dated 28.03.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. 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.

10. Disposed off accordingly.

11. Pending application(s), if any, shall stand disposed off.

05.12.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

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