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291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17068-2023 (O&M)
Date of decision : 21.11.2023

Rajendera Kumar Mittal and Anr.

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. R. S. Cheema, Senior Advocate, with
Ms. Janya Sirohi, Advocate,
Mr. Aashneet Singh, Advocate, for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Pragayat Bhardwaj, 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 petitioners in FIR No.0248 dated 22.03.2023, under Sections 406, 420 read with Section 34 of IPC, registered at Police Station Karnal Sadar, District Karnal.

2. Above FIR was registered on the basis of statement made by complainant alleging that he had taken first floor at Karnal on monthly rent and made payment of Rs.71,22,000/- to the accused till date. The complainant has come to know that accused/petitioners had taken loan against security of the said land from Bank of Baroda and due to non-payment of monthly installments of loan, the bank has pasted a notice on the building for obtaining its vacant possession.

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3. This Court, on 02.11.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

“The Coordinate Benches, while issuing notice of motion on 11.04.2023 & 19.04.2023, directed that till the next date of hearing, “no coercive action be taken against the petitioner(s)”.

Aforesaid orders dated 11.04.2023 & 19.04.2023, passed in both the present petitions, are modified to the extent that petitioner(s) shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case(s), till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner(s) are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Posted for 21.11.2023.

To be heard along with CRM-M-49217-2023.

Photocopy of this order be placed on the connected case.”

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Naresh, and further stated that custodial interrogation of the petitioners is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioners. Since learned State counsel is

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not asking for custodial interrogation of petitioners, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 02.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioners 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.

21.11.2023
anil

(MAHABIR SINGH SINDHU)
JUDGE

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