

291 (1st case)

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

**CRM-M No.26848 of 2023 (O&M)
Date of decision : 05.12.2023**

Kulwinder Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for respondent No.1.

Mr. Pranav Handa, Advocate for

Mr. Naresh Chand Manchanda, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.71 dated 15.06.2022 (P-1), under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Kot Ise Khan, District Moga.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Amarjit Singh with the allegations that he paid Rs.5 Lakh through Bank and Rs.1 Lakh as cash to co-accused Satnam Singh for obtaining visitor visa for Canada; but neither visitor visa has been provided;

nor the amount has been returned to the complainant. During investigation, it revealed that aforesaid co-accused has transferred the amount of Rs.5 Lakh in the account of petitioner.

(3) This Court, on 17.08.2023, granted interim bail to petitioner and the same reads as under:-

“To be heard along with CRM-M-25286-2023 on 13.09.2023.

In the meanwhile, 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 Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required. Also submits that matter has been amicably settled between the parties and he has handed over a demand draft, amounting to Rs.25,000/- to learned Counsel for the complainant. Photocopy of the same is taken on record as Mark ‘X’.

(5) Learned State Counsel, on instructions from ASI Gurmej Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant has acknowledged the factum of compromise arrived at between the parties at their own level.

- (7) In view of above, interim order dated 17.08.2023 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 also stand disposed off.

December 5, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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