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

CRM-M-30242-2023 (O&M)

Date of decision : 28.07.2023

Surender @ Surender Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Paramjit Singh Sullar, Advocate,
and Mr. T.S. Sullar, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Prince Chauhan, Advocate,
for Mr. Sanjay Verma, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.254 dated 19.05.2023, under Sections 120-B, 407, 420 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sector 32-33, District Karnal.

2. It transpires that above FIR was registered on the basis of statement made by one Sompal Chowdhary to the effect that petitioner along with other co-accused misappropriated timber worth Rs.20,00,000/- which was entrusted to them for transportation to Ahamdabad.

3. This Court, on 12.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends, inter-alia, that petitioner has no concern with the alleged truck in question as he is neither the owner; nor driver of the same.

Notice of motion

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice and seeks time to have instructions in the matter.

Mr. Sanjay Verma, Advocate, appears on behalf of the complainant and seeks time to file response for opposing the petition.

Posted on 28.07.2023.

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

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 12.06.2023, 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.

28.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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