

**209 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-30341-2023 (O&M)****Date of Decision: 05.09.2023**

Umesh Khatri

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Randhawa, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent.

Mr. Kunal Dawar, Advocate, for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.341 dated 26.12.2022, under Sections 420, 406, 418 and 506 of the Indian Penal Code, 1860 (for short “IPC”), registered at Police Station Sector-17, Faridabad (Haryana).

2. As per allegations, complainant was told by the petitioner that he was running gold business in Dubai and on the pretext of partnership, petitioner received a sum of Rs.60 lakh from the complainant. However, neither the complainant was made partner; nor money has been returned by the petitioner.

3. This Court vide order dated 13.06.2023, granted interim bail to petitioner and the same reads as under:-

“While making reference to Agreement dated 04.04.2017 (P-2), contends that this is purely civil dispute between the parties; however, the same has been given a colour of criminal case by the complainant.

Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to verify the pendency of other criminal case against the petitioner.

Mr. Mayank Aggarwal, Advocate has filed Power of Attorney on behalf of the complainant.

Posted for 11.07.2023.

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 in the present case 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 the Code of Criminal Procedure, 1973. ”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bhanwar and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer by submitting that the amount in question has not been refunded by the petitioner.

7. Be that as it may, the petitioner has already joined investigation and his custodial interrogation is not required by the police at this stage.

8. In view of the above, interim order dated 13.06.2023 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 also stand disposed off.

05.09.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No