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204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30424-2023 (O&M)
Date of decision : 07.11.2023

Kuldeep Singh @ Kuldeep Chahal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Sandeep Kotla, Advocate,
for the petitioner.

Mr. Ashok Kumar Chaudhry, Addl. A.G., Haryana,
for the respondent.

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.627 dated 21.04.2023, under Sections 406 and 420 of the Indian Penal Code, 1860, registered at Police Station Civil Lines Karnal, District Karnal.

2. Above FIR was registered on the basis of statement made by Mehar Singh and Rajinder Singh with the allegations that petitioner committed fraud with them on the pretext that he will engage their 42 vehicles in the business of transportation in CJ DARCL LOGISTICS and in lieu thereof, he received Rs.52 lakhs from them.

3. This Court, on 14.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that present dispute is purely civil in nature; but, has been given a colour of criminal case.

Notice of motion for 28.07.2023.

On asking of the Court, Mr. Kiran Pal Singh, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent and seeks time to have instructions or file response in the matter.

Requisite copies of paper-book be supplied to learned State Counsel during the course of day.

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 investigation and his custodial interrogation is not required.

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

6. In view of above, interim order dated 14.06.2023 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.

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9. Disposed off accordingly.

07.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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