

212

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

**CRM-M-30422-2023 (O&M)**

**Date of decision : 17.08.2023**

Jagdish Rai Gora

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Ashok Kumar Khunger, Advocate,  
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Lajpat Rai Sharma, 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.0091 dated 26.05.2023, under Sections 420 & 406 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City Fazilka, District Fazilka.

2. Above FIR was registered on the basis of statement made by one Amit Mittal with the allegations that petitioner had purchased *khal binola* feed from the complainant on credit, but failed to clear the dues to the tune of Rs.7,00,000/-.

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 the same has been given a colour of criminal case.*

*Notice of motion for 28.07.2023.*

*On asking of the Court, Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab, 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 the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but State of Punjab is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. 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.
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.

**17.08.2023**  
*atulsethi*

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

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