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

CRM-M-30697-2023 (O&M)

Date of decision : 10.08.2023

Sahil

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Prachi Gupta, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Mehtab Singh Khaira, 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.0033 dated 18.05.2023, under Sections 420, 406, 365, 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2012, registered at Police Station Bholath, District Kapurthala.

2. Aforesaid FIR was registered on the basis of statement made by Nishan Singh with the allegations that petitioner along with other co-accused cheated him for Rs.1.5 crore on the pretext of sending his family members abroad.

3. This Court, on 16.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that petitioner is not named in the FIR; rather he is being harassed on account of the fact that his father is running a Travel Agency.

Notice of motion.

Ms. Monika Jalota, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State, whereas, Mr. Mehtab Singh Khaira, Advocate, causes representation on behalf of the complainant; and both seek time to have instructions and/or file written response in the matter.

Posted on 10.08.2023.

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 the 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. Learned counsel for the complainant, in all fairness, also does not oppose the prayer made.

7. In view of above, interim order dated 16.06.2023, 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.

10.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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