

2023:PHHC:104982

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

CRM-M-30776-2023

Date of decision : 09.08.2023

Kuldeep Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Vikas Bishnoi, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of pre-arrest bail in FIR No.300 dated 21.04.2023, registered for the offences punishable under Sections 406, 420, 467, 468 and 471 read with Section 24 of the Emigration Act, 1983 (Section 120-B of IPC added later on), at Police Station HTM Hisar, District Hisar.

2. Counsel for the petitioner refers to the allegations levelled in the FIR. As per which, the complainant is clear, unambiguous and explicit to contend that whole of the transaction was done with Parveen Kumar Sabharwal @ Parveen Kumar Khandelwal. Monies were paid to Parveen Kumar Khandelwal on 06.03.2023 and 25.03.2023 and the cheating/fraud has been alleged against said Parveen Kumar Khandelwal only.

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3. As per the prosecution, name of the petitioner surfaced in the disclosure suffered by Parveen Kumar Khandelwal, wherein he claims that he has handed over the money received from the complainant further to the petitioner as well as his son Captain Singh for opening saloon.

4. Counsel for the petitioner submits that the aforesaid prosecution story put forth stands falsified from the fact that the saloon owned by the petitioner is working since 02.04.2021 and the petitioner has been named only being relative of Parveen Kumar Khandelwal as his son Captain Singh, who is also alleged to have been nominated by Parveen Kumar Khandelwal got married to daughter of Parveen Kumar Khandelwal on 16.04.2023.

5. Learned State counsel, on instructions from ASI Inder Singh, admits that apart from a disclosure alleged to have been suffered by Parveen Kumar Khandelwal, there is no other evidence at this stage that drives home offence against the petitioner. Petitioner was granted interim vide order dated 19.06.2023, subject to his joining investigation. It is not disputed that the petitioner has joined investigation and is not stated to have misused the concession granted.

6. Keeping in view the aforesaid, order dated 19.06.2023 is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

7. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

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8. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
9. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
10. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
12. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

09.08.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No