

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

CRM-M-30824-2023 (O&M)

Date of decision : 13.12.2023

Sukhwinder Singh Dhaliwal

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for respondent No.1.

Mr. Inderpal Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.172 dated 08.10.2022, under Sections 406, 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station, City Nawanshahar, District SBS Nagar.

(2) Above FIR was registered on the basis of complaint made by respondent No.2-Pardeep Kumar with the allegations that petitioner, along

with other co-accused, cheated him to the tune of ₹ 13,16,800/- for sending his son abroad and also not returned his passport.

(3) The Coordinate Bench, vide order dated 19.06.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer in the present petition is for the grant of anticipatory bail to the petitioner in case FIR No.172, dated 08.10.2022 registered under Sections 406, 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station City Nawanshahar, District SBS Nagar (Annexure P-1).

Notice of motion.

Mr. Mohit Kapoor, Additional A.G., Punjab accepts notice on behalf of the respondent-State.

List on 24.08.2023.

In the meantime, the petitioner is directed to join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Harjinder Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Although learned Counsel for the complainant opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioner, therefore, the objection in this regard is rejected.

(7) In view of above, interim order dated 19.06.2023 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.

(11) It is made clear that in case there is a recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(12) Pending application(s), if any, shall also stand disposed off.

13th December, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>