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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32284-2023 (O&M)
Date of decision : 07.11.2023

Naveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Ajay Chaudhary, Advocate,
for the petitioner.

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

Mr. Dinesh Singh Rawat, Advocate,
for the complainant.

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.670 dated 20.09.2021, under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station City Hansi, District Hisar.

2. Above FIR was registered on the basis of statement made by one Wazir Singh with the allegations that petitioner has committed forgery in connivance with the bank as well as revenue officials on the pretext of selling him two plots in the Vakil Colony, Hansi.

3. This Court, on 07.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that dispute is primarily of civil nature in view of the fact that two sale certificates dated 26.06.2019 (P-3) were issued in favour of Smt. Suman Devi w/o Sh. Sunil Kumar as well as Smt. Santosh Devi w/o Sh. Wazir Singh (complainant) by the State Bank of India.

Notice of motion.

Mr. Bhupender Singh, AAG, Haryana, accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response.

Mr. Dinesh Singh Rawat, Advocate, causes representation on behalf of the complainant.

Posted on 21.08.2023.

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 Inspector Suraj Mal, and further stated that custodial interrogation of the petitioner is not required at this stage.
6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State counsel is

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not asking for custodial interrogation of petitioner, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

7. In view of the above, interim order dated 07.07.2023 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.

07.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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