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

CRM-M-32775-2023 (O&M)

Date of decision : 10.08.2023

Sahil Verma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aarish Kamboj, Advocate,
for the petitioner.

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

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.169 dated 27.12.2022, under Section 420 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Nangal, District Rupnagar.

2. Aforesaid FIR was registered on the basis of statement made by one Vivek Sabarwal with the allegations that one of his friends, Pawan, introduced him to the petitioner and on 22.05.2021, struck a deal for selling old mobile phones for a sum of Rs.8,00,000/-. Complainant paid Rs.4,00,000/- to the petitioner, but he neither supplied the old mobile phones except two amounting to Rs.32,000/-, nor returned the money.

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

“Learned State counsel seeks time to file an affidavit of the officer concerned.

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Affidavit shall also disclose about the mechanism in the State of Punjab for sale and purchase of second hand mobile set(s).

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. In view of above, interim order dated 21.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. 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.
9. Disposed off accordingly.

10.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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