

217 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-33116-2023 (O&M)
Date of Decision: 18.08.2023

Pardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satyendra Chauhan, Advocate for
Mr. P. S. Khurana, Advocate
for the petitioner.

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

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.0062 dated 24.06.2023, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City Samana, District Patiala.

2. The FIR was registered on the statement of Rajesh Kumar Garg in which he alleged that the petitioner has committed cheating with him by selling his plot to some other person. The promise made by him to give another plot has also not been honored; thus, a deception has been committed with him.

3. This Court vide order dated 13.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that dispute is primarily of civil nature between the parties; but the same has been given colour of the criminal case.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent and seeks time to have instructions and/or file written response in the matter.

Posted on 14.08.2023.

In the meanwhile, petitioner will 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. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Gurbax and fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 13.07.2023 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. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.08.2023
SN/Mehak

(MAHABIR SINGH SINDHU)
JUDGE

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