

CRM-M-33297-2023 (O&M)
Date of decision : 30.10.2023

...Petitioner

...Respondent

Mr. Rishu Mahajan, Advocate,
for the complainant.

2. Above FIR was registered on the basis of statement made by one Raj Kumar with the allegations that petitioner along with other co-accused committed fraud to the tune of Rs.17,00,000/- with the complainant on the pretext of sending his son to Canada.

3. This Court, on 14.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends that as per allegations of the prosecution itself, entire money has gone into the account of co-accused, namely, Chetan Bhalla and as such, petitioner has been falsely implicated in the present case. Also contends that there is no other criminal case pending against him.

Notice of motion.

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

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.

Commissioner of Police, Jalandhar, shall file an affidavit indicating the total number of travel agents registered in the district under the provisions of Punjab Travel Professionals Regulation Act, 2014.”

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. Although, learned counsel for the complainant objected against the prayer of petitioner, but in view of fact that State is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.
7. In view of above, interim order dated 14.07.2023 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.
11. Commissioner of Police, Jalandhar, shall take necessary legal steps against the main accused, namely, Chetan Bhalla and compliance report be sent to the Registry by 30.11.2023.

30.10.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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