

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

CRM M-33645-2023

Date of Decision: 04.09.2023

Ghanshyam Agarwal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.D.S. Hooda, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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.303 dated 02.05.2022, under Sections 420, 467, 468, 471 of Indian Penal Code, 1860 (for short “IPC”) and Section 201/120-B IPC added later on, registered at Police Station City Hisar, District Hisar.

2. Allegations against the petitioner are that he changed the engine/chassis number(s) of old vehicles after preparing false documents and sold the same afterwards.

3. This Court vide order dated 17.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated as an accused on the basis of disclosure made by one Dinesh @ Dhannu (prima accused) and there is no other criminal case pending against him.

Notice of motion.

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

Posted on 04.09.2023.

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. 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 Mange Ram, fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 17.07.2023 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.

04.09.2023

jyoti3

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No