

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

CRM-M-33539-2023 (O&M)

Date of decision : 29.08.2023

Sukhardarshan Singh @ Kaka

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K.Singla, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present 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.97 dated 06.06.2023, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Bhikhi, District Mansa.

(2) Above FIR was registered on the basis of statement made by complainant-Harpal Singh with the allegations that petitioner-Sukhdarshan Singh @ Kaka, his wife Gurdeep Kaur, Sembher Singh @ Khan and his wife Baljit Kaur cheated the complainant by receiving an amount of Rs.10 Lakh on the pretext of getting payment of his pending bills done and in getting government tenders awarded in his favour. The co-accused made the

complainant to have telephonic conversation with a lady, impersonated herself as mother of Chief Minister of Punjab. Later on, it came to know that the said lady was Gurdeep Kaur (co-accused).

(3) The Coordinate Bench, vide order dated 17.07.2023, granted interim bail to petitioner and the same reads as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.97 dated 06.06.2023 under Sections 420,120-B IPC, 1860 registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that the co-accused, who is also facing similar allegations has already been granted the concession of anticipatory bail by this Court in CRM No.M-31792 of 2023 vide order dated 07.07.2023 hence, the petitioner be also extended the same benefit.

Learned State counsel keeping in view the instructions received from ASI Bhola Singh does not dispute the fact that the allegations against the petitioner herein and petitioner in CRM No.M31792 of 2023 i.e. co-accused are identical in nature and the said co-accused has already been granted the concession of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts of the present case as noticed above, this Court is of the opinion that the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) *That he shall make himself available for interrogation by the police officer as and when required.*
- ii) *That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*
- iii) *That he shall not leave India without prior permission of the Court.*
- iv) *That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

Adjourned to 29.08.2023.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from HC Lakhwinder Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(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.

August 29th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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