

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

**CRM-M-35505-2023 (O&M)
Date of decision : 08.11.2023**

Joginder Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Puneet Singh, Advocate for
Mr. Varinder Dhiman, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, 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.75 dated 06.06.2023, under Sections 406 & 420 of the Indian Penal Code, 1860; Section 24 of the Immigration Act, 1983, registered at Police Station Nurpur Bedi, District Rupnagar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Major Singh to the effect that petitioner cheated and dishonestly induced him on the pretext of sending his two daughters and son-in-law to Australia on work permit visa. Petitioner neither

sent them abroad; nor the amount in question has been returned to the complainant.

(3) This Court, vide order dated 25.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner is ready to settle the matter on some amicable terms with the complainant, within 04 (four) weeks from today.

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 13.09.2023.

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 State Counsel, on instructions, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(5) In view of above, interim order dated 25.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

(7) 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.

(8) Disposed off accordingly.

November 8th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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