

212 (1st case)

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

CRM-M-39422-2023 (O&M)**Date of decision : 19.09.2023**

Deepak Kumar

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kartik, Advocate,
for Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Ashok K. Chaudhry, Addl.A.G., Haryana,
assisted by ASI Dharminder Singh.

Mr. Sanjeev Kumar, Advocate,
for complainant/respondent No.2.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.23 dated 24.06.2023, under Sections 406 (sic, 419), 420, 120-B of the Indian Penal Code, 1860, registered at Police Station P.S. Cyber Crime Central, District Faridabad.

2. Allegations against the petitioner are that he along with co-accused raised a loan of Rs.1,45,000/- in the name of the complainant, without his consent, on the pretext of providing him a World Tour Package.

3. Status report filed by way of affidavit of Mr. Abhimanyu Goyat, HPS, Assistant Commissioner of Police, Cyber, Faridabad,

dated 13.09.2023, is also taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

4. This Court, on 11.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that matter has been amicably settled between the parties at their own level i.e. petitioner as well as respondent No.2.

Notice of motion for 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 in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

5. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

6. 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.

7. Learned counsel for the complainant has also admitted the factum of amicable settlement between the parties and states that he would have no objection, in case, prayer made by the petitioner is accepted.

8. In view of above, interim order dated 11.08.2023, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. The above observations may not be construed as an expression of opinion on merits of the case or settlement, if any; rather confined only to decide the present bail matter.
11. Disposed off accordingly.

19.09.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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