

105-4

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

CRM-M-40188-2023 (O&M)**Date of decision : 29.11.2023**

Davinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Karan Bansal, Advocate,
for Mr. Achin Gupta, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by ASI Rajeev.

Mr. Abhinav Sood, Advocate,
for the complainant.

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.126 dated 19.07.2023, under Sections 408, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Kotwali Bathinda, District Bathinda.

2. Allegations are that petitioner along with other co-accused, being employees of M/s Fun Multiplex Pvt. Ltd. at Mittal Mall, Bathinda, misappropriated/embezzled funds while allowing customers to watch movie shows without tickets.

3. This Court, on 17.08.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Notice of motion.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Mr. Jupinder Pal Singh, Advocate, causes representation on behalf of the complainant and seeks time to place on record some material.

Posted on 18.09.2023.

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. 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 vehemently opposed 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 17.08.2023 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. Pending application(s), if any, shall stand disposed off.

29.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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