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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-42417-2023 (O&M)****Date of decision: 12.10.2023**

Kayyum

...Petitioner

versus

State of Haryana

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:-** Mr. Nafeesh Ahmed, Advocate for petitioner.

Mr. Ashok Singh Chaudhry, Addl. A.G., Haryana.

MAHABIR SINGH SINDHU, J.

1. 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.243 dated 10.05.2023, under Section(s) 406, 420 of IPC (Section 120-B IPC added later on) registered at Police Station Gohana City, District Sonipat.
2. Above FIR was registered on the basis of statement made by one Ramphal Singh-Manager, Quality Filling Station, Gohana that employees of R.S. Traders had started purchasing diesel after agreement on 6.4.2023. They had purchased the diesel amounting to Rs.8,97,489.74 in one week. They deposited the cheque given by them but the said cheque was dishonored twice. Attempt was made to contact them but they did not pick up the phone.
3. This Court, on 28.8.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter-alia that petitioner was not named in the FIR initially, but later on nominated as an accused on the basis of disclosure made by Anish.

Notice of motion for 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 Code of Criminal Procedure, 1973 .”

4. Contains 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 ASI Vishnu present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 28.8.2023 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.

(MAHABIR SINGH SINDHU)
JUDGE

12.10.2023
lucky

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No