

213

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

CRM-M-44293-2023 (O&M)

Date of decision : 10.10.2023

Ashish Juneja @ Aashish @ Montu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sartej Singh Narula, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by P/SI Rajan Kumar.

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.0201 dated 08.06.2023, under Sections 406, 420, 467, 468, 471 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Butana, District Karnal.

2. Allegations against the petitioner are that he along with other co-accused committed cheating & forgery; usurped the share of complainant's husband in Shree Mahalakshmi Trading firm. When complainant-party demanded their share, they were abused and threatened to be killed.

3. This Court, on 05.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter-alia that primarily, it is a family dispute arisen after the death of grand-father of the petitioner on 27.01.2020 and even a complaint dated 06.04.2023 was made by the mother of petitioner to In-Charge Police Station Nilokheri, but instead of taking any action, present FIR No. 201 dated 08.06.2023, under Sections 406, 420, 467, 468 and 471 IPC, Police Station Butana, District Karnal, has been registered at the instance of opposite side.

Notice of motion for 10.10.2023.

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.

At this stage, Mr. Rajeev Sharma, Advocate, appears on behalf of the complainant.”

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. In view of above, interim order dated 05.09.2023 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.

10.10.2023

atulsethi

**(MAHABIR SINGH SINDHU)
JUDGE**

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