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

CRM-M-44036-2023 (O&M)

Date of decision : 31.10.2023

Gurnaib Singh @ Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Saini, Advocate,
for Mr. Rajesh Bhatheja, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Sukhdata Pal.

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.101 dated 11.06.2023, under Sections 401, 420, 465, 468, 471, 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sadar Faridkot.

2. Allegations are that the petitioner along with other co-accused duped the complainant and other victims on the pretext of sending them abroad.

3. The Coordinate Bench, on 04.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.101 dated 11.06.2023, registered under Sections 401, 420, 465, 468, 471 and 120-B IPC at Police Station Sadar Faridkot, District Faridkot.

Learned counsel contends that the petitioner has been falsely implicated in this case. In the inquiry conducted by the Economic Wing, Faridkot it was found that the disputed amount allegedly given by the complainant was received by co-accused Buta Singh and that no amount whatsoever was transferred to the petitioner. He further submits that the petitioner does not even have any bank account. The travel agency in question is owned by his brother Manpreet Singh with which the petitioner has no concern. He is not involved in any other case. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 14.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 31.10.2023.”

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 04.09.2023 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.

31.10.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

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