

103 (1st case)

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

**CRM-M-44910-2023 (O&M)
Date of decision : 06.12.2023**

Rakesh Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana for the respondent.

Mr. N.K.Manchanda, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.86 dated 20.02.2023, under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sector 27, District Sonapat.

(2) Above FIR was registered on the basis of complaint made by Assistant Manager, Indusind Bank with the allegations that petitioner, along with other co-accused, had taken loan on four vehicles by submitting forged documents, thereby committed fraud of Rs.31.9 Lakh.

(3) The then Coordinate Bench, on 11.09.2023, granted interim bail to petitioner and the same reads as under:-

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Haryana and seeks time to file reply.

Adjourned to 28.11.2023.

In the meanwhile, petitioner shall join investigation as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from S.I. Sanjay, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 11.09.2023 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 also stand disposed off.

December 6, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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