

138 (2nd case)

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

**CRM-M-54494-2021 (O&M)
Date of decision : 03.11.2023**

Shere Ramdas Pundalikrao

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasdev Singh Thind, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

Mr. Sandeep Gahlawat, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.431 dated 17.11.2020, under Sections 406, 420, 467, 468 & 471 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Sonapat.

(2) Above FIR was registered on the basis of statement made by complainant-Robin Bareja with the allegations that on the asking of

petitioner and other co-accused, he deposited some amount in the bank account of accused persons and also gave cash amount on several instances. They deceived the complainant to invest in some 0% Finance Scheme, cheated him and misappropriated the amount given on the pretext of investment in jewellery business.

(3) This Court, vide order dated 21.08.2023, granted interim bail to petitioner and the same reads as under:-

“Order dated 15.02.2022, passed by the Coordinate Bench, is modified to the extent that petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

Posted for 28.08.2023.”

(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 ASI Navneet Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Although learned Counsel for the complainant has opposed the prayer; but keeping in view the fact that State does not require any custodial interrogation of petitioner, therefore, the objection in this regard is rejected.

- (7) In view of above, interim order dated 21.08.2023 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 also stand disposed off.

November 3rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>