

215(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-47994-2023 (O&M)
Date of Decision: 02.11.2023

Jait Kumar Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satyendra Chauhan, Advocate for
Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl. AG, Punjab
assisted by HC Satpal Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.93 dated 19.05.2023, under Sections 420, 465, 467, 468 & 120-B IPC at Police Station City Jalalabad, District Fazilka.

2. Petitioner is a retired Tehsildar. In the year 2016, he being the Revenue Officer sanctioned mutation No. 2537 on the basis of entry made by Area Patwari and duly verified by the Kanungo.

3. This Court vide order dated 22.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner retired from the post of Tehsildar after attaining the age of superannuation on 31.07.2018 without any blemish; rather was granted extension post retirement uptill 31.03.2020. Also contends that co-accused with similar allegations has already been granted the concession of pre-arrest bail by this Court, vide order dated 21.08.2023, in CRM-M-40755-2023.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted on 02.11.2023.

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. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 22.09.2023 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. Pending criminal misc. application(s), if any, shall also stand disposed off.

02.11.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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