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

CRM-M-53346-2023 (O&M)

Date of decision : 19.12.2023

Rishi Pal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Bakshi, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by SI Surender 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.320 dated 07.10.2023, under Section 408 of the Indian Penal Code, 1860, registered at Police Station, Sector 17, HUDA, Jagadhri.

2. Allegations are that petitioner, being employed at the Petrol Pump owned by the complainant, committed criminal breach of trust by tampering with the meter and thereby, caused loss of about Rs.2.83 lakh.

3. A Coordinate Bench, on 19.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.320 dated 07.10.2023 under Section 408 of IPC, registered at Police Station Sector-17, Huda, Jagadhari, Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner was working as sales man on the petrol pump and was not benefitted in any manner, by the alleged tampering of the meter of the petrol pump. He further contends that several CCTV cameras have been installed in the petrol pump, which are closely monitored by the owner of the petrol pump. Consequently, no tampering with the machines was possible by anyone, except the owner of the petrol pump itself. Learned counsel further contends that the petitioner is suffering from clot in brain and stammers so much that hardly anything can be understood. He is a chronic patient of diabetes and also suffers from cardio vascular disease and is under constant medication since long time.

Notice of motion for 07.12.2023,

In the meantime, the petitioner is directed to join the investigation.

In the event of arrest, he shall be released on interim bail to the satisfaction of Arresting/Investigating Officer subject to the conditions provided under Section 438(2) of the Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Although, learned State Counsel, on instructions from the police officer present in Court, duly acknowledged that petitioner has joined the investigation, but opposed the prayer on the ground that recovery is yet to be effected.

6. Concededly, petitioner has joined investigation in terms of the order passed by this Court. So far as point of alleged breach of trust and tampering with the meter is concerned, the same have to be proved by the prosecution during trial.

7. In view of above, interim order dated 19.10.2023 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 stand disposed off.

19.12.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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