

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

**CRM-M-56462-2023 (O&M)
Date of decision : 21.11.2023**

Harsidak Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Brijender Kaushik & Mr. Vaibhav Vats, Advocates
for the petitioner.

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

None 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.461 dated 16.08.2023, under Sections 406, 420 & 506 of the Indian Penal Code, 1860, registered at Police Station Ambala City, District Ambala.

(2) Above FIR was registered on the basis of complaint made by complainant-Satish Jain with the allegations that petitioner along with other co-accused, in connivance with each other, cheated him to the tune of Rs.97 Lakh by inducing him & his son to sell clothes of their Firm to them

(accused) to earn handsome money and received clothes on credit basis, but they did not make payment of the clothes to the complainant party. Accused, with *mala fide* intention, had issued seven cheques of Rs.3 Lakh each; but the same were also dishonoured due to insufficient funds. When complainant and his son contacted the accused persons, they threatened to kill them.

(3) This Court while issuing notice of motion on 08.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that dispute is primarily civil in nature.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Mr. Anmol Dutt Sharma, Advocate, causes representation on behalf of the complainant and seeks time to place on record certain material regarding complicity of the petitioner.

Posted for 21.11.2023.

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 the Code of Criminal Procedure, 1973.”

(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 SI Jai Gopal, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 08.11.2023 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 application(s), if any, shall also stand disposed off.

November 21, 2023

Gagan

(MAHABIR SINGH SINDHU)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>