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

CRM-M-56640-2023 (O&M)

Date of decision : 29.11.2023

Pushap Kumar

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K. Choudhary, Advocate,
for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by ASI Jagga Ram.

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.127 dated 08.07.2023, under Sections 406 & 420 of the Indian Penal Code, 1860 (for short, '*the IPC*'); Section 24 of the Immigration Act; registered at Police Station Dasuya, District Hoshiarpur.

2. Allegations are that petitioner duped the complainant-Harmanjot Singh, of Rs.4.00 lakh, on the pretext of sending him abroad.

3. This Court, on 22.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

“Learned counsel, on instructions from the petitioner, submits that he is inclined to settle the matter on amicable terms with the complainant.

Posted for 29.11.2023.

*Be shown in the **Urgent** list.*

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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that petitioner joined the investigation on 28.11.2023 at 9.00 p.m.; therefore, his custodial interrogation is not required at this stage.
6. In view of above, interim order dated 22.11.2023 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 stand disposed off.

29.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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