

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1949-2024(O&M)
Date of decision: 28.02.2024

Pushp Mahajan
...Petitioner

Versus

State of UT Chandigarh
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Davinder K. Rajwal, Advocate for the petitioner.

Mr. Akashdeep Singh, Additional Public Prosecutor
UT., Chandigarh

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.215 dated 20.08.2021, under Sections 120-B and 420 of Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983, registered at Police Station, Sector-39, Chandigarh.

(2) Allegations are that petitioner along with co-accused-Rajesh Kumar and Bawa duped complainant to the tune of Rs.5,35,000/- on the pretext of sending his son abroad.

(3) This Court while issuing notice of motion on 15.01.2024, granted interim bail to the petitioner and which reads as under:-

*“Contends inter alias that present FIR was registered way back on 20.08.2021, but petitioner was never asked by the police to join investigation.
Notice of motion.*

*Mr.Akashdeep Singh, Additional Public Prosecutor, U.T., Chandigarh, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.
Posted for 28.02.2024.*

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 for the petitioner 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-Kiran Pal acknowledged that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 15.01.2024 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) It is made clear that in case of any recurrence on the part of the petitioner, the State of UT., Chandigarh would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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