

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

**CRM-M-2408-2024 (O&M)
Date of decision : 05.03.2024**

Harvinder Kumar Sharma @ Harvinder Kumar

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Pushpinder Kaushal, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for the respondent.

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.41 dated 21.03.2023, under Sections 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Banur, District Patiala.

(2) Above FIR was registered on the basis of complaint made by Jasvir Singh, Kaka Singh, Sukhwinder Singh s/o Pal Singh, Sukhwinder Singh s/o Sampuran Singh, Vikram Singh, Salu Ram, Manjit Singh, Avtar Singh and Sukhwinder Kaur with the allegations that petitioner had duped them by taking Rs.23,15,000/- for getting their sons appointed as Peons.

(3) Short reply by way of an affidavit dated 05.03.2024 of Sh. Bikramjit Singh Brar, DSP Sub Division Rajpura, District Patiala has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) Contends that petitioner was granted interim bail by this Court, vide order dated 16.01.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(5) *Per contra*, learned State Counsel, on instructions, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It is not in dispute that petitioner was granted interim bail by this Court on 16.01.2024 and the order reads as under:-

“Contends inter alia that till date, there is no material to indicate that petitioner has received any amount from the complainant.

Notice of motion.

Mr. M.S.Tiwana, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 05.03.2024.

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.”

- (8) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the investigation and his custodial interrogation is not required at this stage.
- (9) In view of the above, present petition is allowed; interim order dated 16.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (11) 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.
- (12) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (13) Pending application(s), if any, shall also stand disposed off.

5th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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