

CRM M-7130-2024 (O&M)
Date of Decision: 07.05.2024

Dinesh Kohli Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
Assisted by ASI Rakesh Kumar.

Mr. S.S. Saron, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.122 dated 27.08.2021 registered under Section 420 IPC, at Police Station, City Batala, Police District Batala, District Gurdaspur.

2. Allegations are that petitioner along with his wife and one Ravinder Singh cheated the informant to the tune of Rs.27 lakh on the pretext of investing money in the share market.

3. Learned counsel contends that matter was investigated and present FIR was ordered to be cancelled. Also contends that petitioner was granted interim bail by this Court vide order dated 12.02.2024 and in pursuance thereof, he has joined investigation; thus, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.



5. Learned counsel for complainant fairly submitted that since State is not asking for custodial interrogation of petitioner, therefore, there would not be any serious objection in case the interim order is made absolute.

6. Heard learned counsel for the parties and perused the paper-book.

7. This Court vide order dated 12.02.2024, granted interim bail to petitioner and the same reads as under:-

“Contends, inter alia, that although, pre-arrest bail of the petitioner was rejected on 05.10.2021 by learned Additional Sessions Judge, Gurdaspur; but after investigation, matter was investigated and the FIR was ordered to be cancelled by Senior Superintendent of Police, Batala, on 23.10.2021 (P-2) and even, CRM-M-3695-2024 (P-8) has already been filed for quashing of the multiple inquiries..

Notice of motion.

Mr. Neeraj Madaan, Senior Deputy Advocate General, 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 04.03.2024.

To be heard along with CRM-M-3695-2024.

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. In pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required; thus, interim order



dated 12.02.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

However, keeping in view the fact that FIR was registered way back on 27.08.2021, quarter concerned shall proceed in the matter expeditiously, in accordance with law.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Disposed off accordingly.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

07.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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