

216(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-9915-2024 (O&M)
Date of Decision: 14.03.2024

Dharampal
..... Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kartar Singh, Advocate,
 for the petitioner.

 Mr. Kiran Pal Singh, AAG, Haryana.

 Mr. H.N. Sahu, Advocate,
 for the complainant.

MAHABIR SINGH SINDHU. J.

Present second 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.13 dated 01.12.2023 registered under Sections 419, 420, 467, 468, 471 & 120-B IPC, at Police Station, DLF Phase-II, Gurugram.

2. Above FIR was registered by complainant-Aruna Sharma with the allegations that petitioner in connivance with other co-accused has cheated her on the pretext of selling a Plot No.24 K DLF, Phase-II, Gurugram and misappropriated an amount of Rs.70,00,000/-.

3. Learned counsel submits that matter has been amicably settled between the parties i.e. petitioner as well as complainant.

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

5. This Court vide order dated 26.02.2024, granted interim bail to petitioner and the same reads as under:-

“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.

Posted for 14.03.2024.

To be heard along with CRM-M-6351-2024.

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.”

Learned counsel contends that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required by the Police.

6. 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.

7. Learned counsel for complainant has acknowledged the factum of compromise and raises no objection in case the petition is allowed.

8. In view of the above, interim order dated dated 26.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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 application.

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

14.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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