

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

CRM M-9460-2024 (O&M)
Date of Decision: 14.03.2024

Sanjay Kumar Petitioner

Versus

State of HaryanaRespondent

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. Affidavit dated 13.03.2024 of Sh. Vikas Arora, IPS, Commissioner of Police, Gurugram has been filed and the same is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

3. 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/-.

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

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

6. This Court vide order dated 22.02.2024, granted interim bail to petitioner and the same reads as under:-

“Paper-book reveals that petition for pre-arrest bail of the petitioner was dismissed on 19.12.2023 (P-2) by this Court while passing a detailed order. Now, it is contended that matter has been amicably settled between the parties.

Notice of motion for 14.03.2024.

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.

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.

A copy of this order as well as the order dated 19.12.2023 (supra) be sent to the Commissioner of Police, Gurugram and after examining the same, required action, if any, be taken against the Investigating Officer and report in this regard be submitted before the next date of hearing.

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

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

7. 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. Also submits that necessary action has already been initiated against the erring official and reference in this regard is made to R-1.

8. Learned counsel for complainant has acknowledged the factum of compromise and raises no objection in case the petition is allowed.
9. In view of the above, interim order dated dated 22.02.2024 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.
12. Disposed off accordingly.
13. Final action taken by the competent authority be sent to the Registry of this Court by 31.07.2024.
14. 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