

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-10442-2024(O&M)
Date of decision: 24.04.2024

Jitender
...Petitioner

Versus

State of Haryana and another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhavay Malhotra, Advocate for the petitioner.
(Through Video Conferencing)

Mr. Kiran Pal Singh, AAG, Haryana.
Mr. Deepak Vashishth, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 0085 dated 28.01.2023, under Sections 406 (deleted subsequently), 420, 506 of Indian Penal Code, 1860, registered at Police Station, City Rohtak, District Rohtak.

(2) Allegations are that petitioner alongwith co-accused, cheated and criminally intimidated the complainant; and committed criminal breach of trust as houses were already constructed on the plot sold to his wife-Asha.

(3) Status report dated 23.04.2024 by way of affidavit of Ravi Khundia, HPS, Deputy Superintendent of Police, Rohtak has been filed on behalf of the respondent-State, which is taken on record. Copy be supplied to the other side during course of the day. Registry to tag the same at appropriate place.

(4) Contends that this Court granted interim bail to the petitioner on 28.02.2024 and in terms thereof, he has already joined the investigation; thus his custodial interrogation is not required.

(5) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of the petitioner.

(7) Heard learned counsel for the parties and perused the paper-book.

(8) It transpires that petitioner was granted interim bail by this Court on 28.02.2024 and order reads as under:-

“ Contends, inter alia, that petitioner was only the witness to sale deed dated 05.02.2020 (P-1) and main beneficiary i.e Yashpal has already been granted concession of pre-arrest bail vide order dated 15.01.2024 passed in CRM-M-30816-2023 (P-11). Also contends that there is no other criminal case pending against the petitioner.

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.

Notice to respondent No. 2 in due course.

Posted for 24.04.2024.

To be heard along with CRM-M-10055-2023.

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.”

(9) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

- (10) Although, learned counsel for complainant objected to the prayer of the petitioner, but State is not asking for custodial interrogation, therefore, the objection of complainant is rejected.
- (11) In view of above, interim order dated 28.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (12) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (13) 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.
- (14) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (15) Disposed off accordingly.
- (16) Pending application(s), if any, shall also stand disposed off.

24.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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