

208 (2nd case)

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

**CRM-M-10627-2024 (O&M)
Date of decision : 19.03.2024**

Kundan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana 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.82 dated 02.04.2023, under Section 379 of the Indian Penal Code, 1860 (Sections 411, 420 & 476, IPC added later on), registered at Police Station Ateli, District Mohindergarh.

(2) Above FIR was registered on the basis of statement made by complainant-Hari Om with the allegations that petitioner, along with co-accused, committed theft of Mahindra Bolero and forged its number plate for further illegal selling.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 29.02.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

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

(6) It is not in dispute that petitioner was granted interim bail by this Court on 29.02.2024 and the order reads as under:-

“Contends inter alia that petitioner is not named in the present FIR; rather nominated on the basis of disclosure made by co-accused Narayan. Also contents that the said co-accused-Narayan has already been granted concession of pre-arrest bail by this Court vide order dated 05.02.2024 passed in CRM-M-59038-2023.

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 19.03.2024.

To be heard along with CRM-M-59038-2023.

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.”

(7) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

- (8) In view of the above, present petition is allowed; interim order dated 29.02.2024 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 may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) 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.
- (12) Pending application(s), if any, shall also stand disposed off.

19th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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