

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15037-2024(O&M)
Date of decision: 07.05.2024

Narinder Singh
...Petitioner

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Jawandha, Advocate for the petitioner.
Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

First 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.16 dated 13.04.2022, under Section 420 of Indian Penal Code, 1860, registered at Police Station, Khem Karan, District Tarn Taran.

(2) Allegations are that petitioner obtained agricultural term loan of Rs. 1 lakh and a cash credit limit of Rs. 50,000/- by executing an agreement of hypothecation dated 22.03.2004 and despite entry made in the record of rights, petitioner defrauded complainant-State Bank of India by selling the property without clearing encumbrance on the same, knowing fully well that the same was already hypothecated with the bank.

(3) Short reply dated 07.05.2024 by way of affidavit of Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Valtoha, Camp at Bhikhiwind, District Tarn Taran has been filed by respondent-State, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

(4) Contends that this Court granted interim bail to the petitioner on 22.03.2024 and in terms thereof, he has already joined the investigation and 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) Heard learned counsel for the parties and perused the paper-book.

(7) This Court on 22.03.2024 while issuing notice of motion passed the following order:-

“ Contends inter-alia that vide communication dated 31.12.2022 (P-2), the entire amount has already been refunded by the petitioner.

Notice of motion.

On asking of the Court, Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 07.05.2024.

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) 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.

(9) In view of above, interim order dated 22.03.2024 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 may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(12) 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.

(13) Disposed off accordingly.

(14) Pending application(s), if any, shall also stand disposed off.

07.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>