

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

**CRM-M-22439-2023 (O&M)
Date of decision : 07.02.2024**

Sandeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. M.S.Bhatti, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab 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.14 dated 11.02.2023, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station, Ghanaur, District Patiala.

(2) Above FIR was registered on the basis of complaint made by Roshan Lal Jindal with the allegations that petitioner in criminal conspiracy with his co-accused cheated him by misrepresentation of facts in the

Agreement to Sell dated 07.12.2022, being executed by vendors/co-accused, namely, Gurmeet Singh & Gurjant Singh.

(3) The Coordinate Bench, while issuing notice of motion on 06.07.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner contends that the allegations in the FIR relates to the agreement to sell dated 07.12.2022 executed by vendors Gurmeet Singh and Gurjant Singh in favour of the complainant, namely, Roshan Lal Jindal and in the said transaction, the petitioner is not the beneficiary. He submits that he has been falsely implicated in his case, merely on the ground that he introduced the parties for this deal. Learned counsel further submits that the case of the prosecution is founded on the documentary material, therefore, in the given facts, custodial interrogation of petitioner may not be necessary.

Notice of motion for 27.09.2023.

In the meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Gurmail Singh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 06.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) 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.
- (9) 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.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

7th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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