



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

CRM-M-17711-2024(O&M)

Date of decision: 21.05.2024

Rajesh Kumar @ Rajesh Kumar Jhakhar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Praduman Krishan, Advocate for
Mr. Lupil Gupta, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.49 dated 12.03.2024, under Sections 120-B, 420 of Indian Penal Code, 1860, registered at Police Station Jhunir, District Mansa.

(2) Allegations are that petitioner along with co-accused induced the complainant-Jaskaran Singh to invest Rs. 12 lakhs in J.Pay App. & returned only Rs. 64,000/- and cheated complainant for an amount of Rs. 11,36,000/-.

(3) Contends that Co-ordinate Bench granted interim bail to the petitioner on 10.04.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

(4) 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.

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



(6) The Co-ordinate Bench on 10.04.2024 while issuing notice of motion passed the following order:-

“ 1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.49 dated 12.03.2024, under Sections 120-B and 420 of the Indian Penal Code, 1860, registered at Police Station Jhunir, District Mansa (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted by learned counsel for the petitioner that a sum of Rs.90,000/- is alleged to have been transferred from the account of Davinder Singh to the account of the petitioner, but the said Davinder Singh has not made any complaint against the petitioner. It is further submitted that nothing is to be recovered from the petitioner. Learned counsel further submits that the petitioner is not involved in any other case. Learned counsel for the petitioner contends that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of Additional Sessions Judge, Mansa has been wrongly declined vide order dated 21.03.2024 (Annexure P-3). It is next submitted that co-accused, namely Pushpinder Singh Brar has already been granted the concession of interim anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.04.2024 (Annexure P-2) passed in CRM-M-16184-2024. It is submitted that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

3. Notice of motion.

4. At the asking of Court, Ms. Manjot Kaur, AAG, Punjab, who is present in Court, accepts notice on behalf of respondent/State and prays for an accommodation to get instructions and assist in this matter.

5. Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

6. List on 21.05.2024.

7. *In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”*

- (7) 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.
- (8) In view of above, interim order dated 10.04.2024 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 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.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

21.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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