

209(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-30650-2023 (O&M)

Date of Decision: 12.02.2024

Davinder Mohan Saxena @ Davinder Mohan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Avneet, AAG, Punjab
assisted by Sat Parkash.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.113 dated 25.05.2023 registered under Sections 419, 420, 468, 471 and 120-B IPC at Police Station, City Sunam, District Sangrur.

2. Petitioner is alleged to have sold six SIM cards on one single ID proof.

3. A Coordinate Bench of this Court vide order dated 15.06.2023, granted interim bail to petitioner and the same reads as under:-

“The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.113, dated 25.05.2023 under Sections 419, 420, 468, 471 & 120-B of the Indian Penal Code, 1860 registered at Police Station City Sunam, District Sangrur (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner is alleged to have sold six SIM cards on one single ID proof. He further contends that the said SIM cards have not been used or activated at any point of time and that

he is ready and willing to join the investigation as and when required by the Investigating Agency.

Notice of motion.

Mr. S.S. Aulakh, AAG, Punjab accepts notice on behalf of the respondent-State and prays for some time to complete instructions.

On request, adjourned to 26.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of the petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on his furnishing bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned State counsel on instructions from quarter concerned submits that in pursuance of the aforesaid order, petitioner has joined investigation, therefore, his custodial interrogation is not required, at this stage.

5. In view of above, interim order dated 15.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

6. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

7. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

8. Disposed off accordingly.

9. Pending criminal misc. application(s), if any, shall also stand disposed off.

12.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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