

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

CRM-M-37277-2023 (O&M)
Date of decision : 14.02.2024

Ahshan Qureshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.K.Chaudhary, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

Mr. Ajit Kumar Sharma, Advocate for the complainant.

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.163 dated 08.05.2023, under Sections 120-B, 406, 417, 419, 420 & 506 of the Indian Penal Code, 1860, registered at Police Station Narwana City, District Jind.

(2) Above FIR was registered on the basis of complaint made by Ajay Nain with the allegations that petitioner, along with other co-accused, cheated him with lakh of rupees and threatened with dire consequences.

(3) This Court, while issuing notice of motion on 06.12.2023, granted interim bail to petitioner and the same reads as under:-

“Mr. S.K.Kashyap, Advocate has filed Power of Attorney on behalf of the petitioner, superseding earlier Counsel.

Contends, inter alia, that complainant has already taken recourse to the remedy under Section 138 of the Negotiable Instruments Act, 1881 for the alleged amount in question.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Mr. Naresh Kumar Ganga, Advocate has filed Memo of Appearance on behalf of the complainant. He seeks time to have instructions in the matter.

Posted for 14.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(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 ASI Sombir, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner. Since learned State Counsel is

not asking for custodial interrogation of petitioner, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 06.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

(9) 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.

(10) 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.

(11) Disposed off accordingly.

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

14th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes