

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37676-2023(O&M)
Date of decision: 29.01.2024

Karan Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

 Mr. M.S. Tiwana, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No. 45 dated 07.03.2023, under Section 420 IPC, registered at Police Station Sadar, Khanna, District Ludhiana.

(2) Allegations are that petitioner along with co-accused-Manpreet Singh received sum of Rs. 6,50,000/- from the complainant on the pretext of securing job for his son. Petitioner represented himself as Sabar Ali and assured the complainant that he will arrange a job for his son. However, the petitioner neither secured a job; nor returned the money.

(3) This Court while issuing notice of motion on 17.08.2023, granted interim bail to the petitioner and which reads as under:-

“ *Contends inter alia that there is no allegation against the petitioner that alleged amount was entrusted to him.*
Notice of motion for 12.09.2023.
In the meanwhile, the petitioner shall joint 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 Code of Criminal Procedure, 1973. ”

- (4) Learned State Counsel on instructions acknowledged that petitioner has joined the investigation, but submits that his custodial interrogation is required for effecting recovery of the alleged amount.
- (5) Heard leaned counsel for the parties and perused paper book.
- (6) As per prosecution case, alleged amount was paid to the petitioner in cash and there is no proof in this regard; nor the police has collected any material to indicate the source of funds as claimed by the complainant. Thus, it would be for the prosecution to prove before learned trial Court that petitioner received the alleged amount from the complainant.
- (7) In view of above, interim order dated 17.08.2023 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 made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

29.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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