

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43231-2023(O&M)
Date of decision: 29.01.2024

Inderpal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG., Haryana.

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.207 dated 17.08.2023, under Sections 406, 420 IPC and Section 24 of Emigration Act, 1983, registered at Police Station Cheeka, District Kaithal.

(2) Allegations are that petitioner along with co-accused-Inderpal and Vishal promised to send the son of the complainant to Spain for a sum of Rs. 20 lakhs and an amount of Rs.10 lakhs was allegedly paid in cash in this regard. However, the petitioner and co-accused sent the complainant's son to Dubai and ultimately, he came back to India.

(3) This Court on 25.09.2023, granted interim bail to the petitioner and which reads as under:-

“ Present bail application has been filed in FIR No. 207 dated 17.08.2023, under Sections 406, 420 of the Indian Penal Code, 1860 (for short, ‘the IPC’); and Section 24 of the Emigration Act, 1983 (for short, ‘Act of 1983’), registered at Police Station Cheeka, District Kaithal.

Learned State counsel seeks more time to have instructions in the matter.

Respondent shall apprise the Court about pendency of total number of cases under the Act of 1983, read with Sections 406, 420 of the IPC in the State of Haryana as on 31.08.2023.

Posted for 15.11.2023.

Let aforesaid information be supplied by way of an affidavit of some responsible officer.

In the meanwhile, petitioner shall join 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 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-Ramesh Kumar submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 25.09.2023 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 made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) 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