

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

**CRM-M-45514-2023 (O&M)
Date of decision :22.04.2024**

Randhir Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Petition qua petitioner No.1 stands disposed off as not pressed
vide order dated 11.01.2024.

Mr. Bikramjit Singh Baath, Advocate for petitioner No.2.

Ms. Manjot Kaur, AAG, Punjab for respondent No.1.

Mr. Gagandeep Singh Sirphikhi, 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 petitioner No.2- Baldev Singh in FIR No.0066 dated 01.08.2023, under Sections 420 &120-B of the Indian Penal Code, 1860, registered at Police Station Qadian, District Batala.

(2) Above FIR was registered on the basis of a statement made by complainant-Prem Singh with the allegations that petitioners, in connivance with other co-accused, defrauded the complainant to the tune of more than ₹ 11 Lakh on the pretext of sending his son-Amritpal Singh abroad. Also alleged that accused provided fake Visa and Ticket to his son. Neither the amount in question has been returned; nor visa of his son was arranged by the petitioner.

(3) Learned Counsel contends that petitioner No.2-Baldev Singh was granted interim bail by this Court on 11.01.2024 and in pursuance thereof, he has already joined investigation.

(4) Learned State Counsel, on instructions, acknowledged that petitioner No.2 has joined investigation and as on today, his custodial interrogation is not required.

(5) Learned Counsel for the complainant vehemently opposed the pre-arrest bail of petitioner No.2.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) There is no quarrel that petitioner No.2 was granted interim by this Court on 11.01.2024 and the order reads as under:-

“Learned counsel for the petitioners submits that he does not press the petition qua petitioner No.1.

Ordered accordingly.

Registry to do the needful.

Learned counsel further submits that petitioner No.2-Baldev Singh is 77-year-old and no money has been transferred into his account or received by him uptill date.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to file short response regarding the complicity of the petitioner.

Mr. B.S.Mittal, Advocate, for Mr. Gagandeep Singh Sirphikhi, Advocate, appears on behalf of the complainant.

Posted for 27.02.2024.

In the meanwhile, order dated 13.09.2023 is modified to the extent that petitioner No.2-Baldev Singh 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.”

(6) On the other hand, learned Counsel for the complainant vehemently opposed the prayer of petitioner No.2. Since learned State Counsel is not asking for his custodial interrogation, therefore, the objection raised by learned Counsel for the complainant is overruled; hence, rejected.

(7) In view of above, interim order dated 11.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that petitioner No.2 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 No.2, 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.

22nd April, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

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