

213(1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46250-2023 (O&M)

Date of decision: 08.02.2024

Onkar Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dharam Bir Bhargav, Advocate
 for the petitioner.

 Mr. Joginder Pal Ratra, Sr. DAG, Punjab
 for respondent No.1-State.

 Mr. Puneet Kapoor, Advocate and
 Mr. Munish Kumar Garg, Advocate
 for the complainant.

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. 47 dated 22.08.2023 registered under Sections 406, 420, 419, 465, 467, 468, 120-B Indian Penal Code (for short 'IPC'), at Police Station, Handesra, District SAS Nagar Mohali, Punjab.

- (2) Allegations against the petitioner is that he cheated the complainant to the tune of Rs. 46.00 lakh in cash.
- (3) This Court, on 15.09.2023, granted interim bail to the petitioner and which reads as under:-

“Contends inter-alia that civil suit between the parties is already pending before the Court of Shri Chetesh Gupta, Civil

Judge (Junior Division), Chandigarh.

Notice of motion for 10.10.2023.

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 Code of Criminal Procedure, 1973.”

(4) Learned Counsel, submits that in pursuance of the aforementioned order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel submits 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 rejected.

(7) In view of above, interim order dated 15.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that the 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.

08.02.2024

(MAHABIR SINGH SINDHU)

Satyawan

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No