

205 **IN THE HIGH COURT OF PUNJAB & HARYANA AT**
 CHANDIGARH

CRM M-46623-2023 (O&M)
Date of Decision: 25.04.2024

Randhir Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Kiran Pal Singh, AAG, Haryana.

None for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.295 dated 26.05.2023 registered under Sections 408, 506, 201 and 120-B IPC, at Police Station, City Tohana, District Fatehabad.

2. Petitioner along with co-accused is alleged to have misappropriated gold biscuits (1119 gms) of complainant-Ankit Goyal.

3. Learned counsel contends that petitioner was granted interim bail vide order dated 20.10.2023 and in pursuance of that, he has joined investigation; thus, his custodial interrogation is not required.

4. Although, learned State counsel does not dispute the factum of joining investigation, but he opposed the prayer on the ground that petitioner is not cooperating.

5. Heard learned counsel for the parties and perused the paper-book.
6. This Court vide order dated 20.10.2023, granted interim bail to the petitioner and which reads as under:-

“Contends inter alia that there is a delay of 10 days in registering the FIR in question.

Notice of motion.

On the asking of the Court, Mr. Ashok K. Chaudhary, Addl. AG, Haryana accepts notice on behalf of respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 06.12.2023.

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 the Code of Criminal Procedure, 1973.”

7. It is not in dispute that in pursuance of the above order, petitioner joined investigation, but his prayer for pre-arrest bail is opposed by learned State counsel on the premise that alleged gold biscuits are yet to be recovered.

It is noteworthy that in order to know the *prima facie* substance in the allegations, this Court on 19.03.2024, granted time to the complainant to produce relevant documents regarding purchase of gold biscuits and the order reads as under:-

“Learned Counsel for the complainant seeks time to produce the relevant documents regarding purchase of gold from Ramesh Kumar, who is stated to be running his business in Guwahati.

Posted for 25.04.2024.

Till the next date of hearing, interim order to continue.”

8. Despite order dated 19.03.2024 (*supra*), complainant has failed to produce any material for purchase of alleged gold biscuits; nor anyone has come forward on his behalf to assist in the matter.

9. In view of the above, plea raised by learned State counsel is not acceptable; hence rejected.

As a result thereof, the interim order dated 19.03.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

12. Disposed off accordingly.

13. Pending criminal misc. application(s), if any, shall also stand disposed off.

25.04.2024
SN/v

(MAHABIR SINGH SINDHU)
JUDGE

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