

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50328-2023(O&M)
Date of decision: 29.01.2024

Gurbachan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Barjinder Singh, 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 while issuing notice of motion on 06.10.2023, granted interim bail to the petitioner and which reads as under:-

“ Contends that co-accused, namely, Inderpal Singh has already been granted the concession of interim pre-arrest bail by this Court Vide order (P-3). Also contends that there is no other criminal case pending against the petitioner.

Notice of motion for 15.11.2023.

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.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined 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 06.10.2023 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