

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

**CRM-M-50122-2023 (O&M)
Date of decision : 18.04.2024**

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Yogesh Goel, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

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 the petitioner in FIR No.0046 dated 22.05.2023, under Sections 419, 420, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Rajpura, District Patiala.

(2) Allegations are that petitioner in connivance with co-accused Harwinder Singh, issued 12 SIM Cards to different subscribers on the basis of same I.D. Proof.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 05.10.2023 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Kuldeep Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required. She has also filed Status Report by way of an affidavit dated 18.04.2024 of Sh. Bikramjit Singh Brar, DSP, Sub Division Rajpura, District Patiala and the same is taken on record. Copy thereof supplied to the opposite side.

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

(6) It is not in dispute that petitioner was granted interim bail by this Court on 05.10.2023 and the order reads as under:-

“Notice of motion.

On the asking of the Court, Mr. C.L. Pawar, Addl. A.G., Punjab, accepts notice on behalf of respondent-State and on instructions from quarter concerned, he apprised the Court that there are number of criminal cases pending against the petitioner.

If that be so, let an affidavit be filed in the matter before next date of hearing.

Posted for 16.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

- (7) It is acknowledged by learned State Counsel on instructions from ASI Kuldeep Singh that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 05.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) 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.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

18th April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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