

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-50658-2023(O&M)
Date of decision: 18.04.2024

Harbhajan Singh and another
...Petitioners
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjiv Gupta, Advocate for the petitioners.
Mr. Kiran Pal Singh, AAG, Haryana.
Mr. Manoj Chahal, Advocate for the complainant with
complainant in person.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.) has been filed for grant of pre-arrest bail to the petitioners in FIR No. 0058 dated 14.03.2023, under Section 408 of Indian Penal Code, 1860, registered at Police Station, Jhojhu Kalan, District Charkhi Dadri.

(2) Allegations are that petitioners alongwith co-accused embezzled an amount of Rs. 24,97,589/- from petrol pump of informant-Sunil Kumar.

(3) Contends that this Court granted interim bail to the petitioners on 20.10.2023; in terms thereof, they have already joined the investigation and as such, their custodial interrogation are not required. Also contended that matter has been amicably settled between the parties.

(4) Learned counsel for the petitioners has produced demand draft bearing No. 238432 dated 15.04.2024 amounting to Rs. 10,00,000/- in the name of informant-Sunil Kumar and the same has been handed over to the

informant in the Court today. Copy of the demand draft is taken on record and marked as 'X'.

(5) Learned State counsel although acknowledged the factum of joining investigation by the petitioners, but he has shown ignorance about the alleged settlement.

(6) On the other hand, learned counsel for the informant-complainant has acknowledged the compromise arrived at between the parties i.e. petitioners as well as complainant and further stated that he has no objection in case prayer of the petitioner is accepted.

(7) Heard learned counsel for the parties and perused the paper-book.

(8) It transpires that petitioners were granted interim bail by this Court on 20.10.2023 and order reads as under:-

“Contends inter alia that from bare reading of the FIR, there is no allegation against the petitioners; rather it is one Veer Singh, who got transferred the amount in question.

Notice of motion for 11.12.2023.

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

(9) It is acknowledged by learned State counsel that in pursuance of the above order, petitioners have joined investigation. Learned counsel for the informant-complainant is not opposing the prayer of petitioners. In such a scenario, custodial interrogation of the petitioners would not serve any purpose.

- (10)Consequently, petition is allowed; interim order dated 20.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (11)It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (12)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.
- (13)It is made clear that in case of any recurrence on the part of the petitioners, the State would be at liberty to move an application for recalling of this order.
- (14)Disposed off accordingly.
- (15)Pending application(s), if any, shall also stand disposed off.

18.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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