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

**CRM-M-51867-2023 (O&M)**

**Date of decision : 31.01.2024**

Shamber Singh @ Khan

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Neha Randhawa, Advocate,  
for Mr. M.S. Dhot, Advocate,  
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab,  
assisted by ASI Nachhatar Singh.

**MAHABIR SINGH SINDHU, J.**

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.97 dated 06.06.2023, under Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station, Bhikhi, District Mansa.

2. Allegations are that petitioner along with other co-accused cheated the complainant to the tune of Rs.5,00,000/- on the pretext of getting his pending bills cleared from the Government departments.

3. This Court, on 20.11.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

*“Contends inter alia that main accused (Sukhdarshan Singh alias Kaka) has already been granted concession of pre arrest bail by this Court in CRM-M-33539-2023 vide order dated 29.08.2023 and there is no other criminal case pending against the petitioner.*

*Learned State counsel seeks time to verify the above factual position.*

*Posted for 09.01.2024.*

*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. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Nachhattar Singh and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 20.11.2023 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. Also clarified that in case there is recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.

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. Disposed off accordingly.
- 11. Pending application(s), if any, shall also stand disposed off.

**31.01.2024**  
*atulsethi*

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

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