

210 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-52636-2023 (O&M)
Date of Decision: 20.03.2024

Vijay Petitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek Dahiya, Advocate for
Mr. Shobit Phutela, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, Haryana.

Mr. Lajpat Rai Sharma, Advocate for
Mr. T.P.S Teji, Advocate,
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.152 dated 13.05.2023 registered under Sections 406, 420 & 506 IPC (Sections 467, 468 & 471 IPC added later on) at Police Station, Civil Lines, District Sonapat.

2. Petitioner is alleged to have duped the informants on the pretext of providing government job to their wards.

3. This Court vide order dated 09.11.2023, granted interim bail to petitioner and the same reads as under:-

“Learned Counsel for the petitioner on instructions submits that he is still inclined to comply with the condition imposed by learned Additional Sessions Judge, Sonapat, vide order dated 08.09.2023 for deposit of Rs.2,60,000/- by way of Fixed Deposit Receipt (FDR) within three weeks from today.

Posted for 14.12.2023.

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.

However, in case there is a failure, necessary consequences shall follow.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Moreover, *prima facie*, the very basis for alleged transaction is against the public policy of India, therefore, the interim order dated 09.11.2023 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. 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.

9. Disposed off accordingly.

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

20.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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