

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

**CRM-M-53021-2023(O&M)
Date of decision: 28.02.2024**

Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Shairon Tyagi, 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.0127 dated 04.05.2023, under Section 420 read with Section 34 of Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983, registered at Police Station, Saha, District Ambala.

(2) Allegations are that petitioner along with co-accused cheated complainant-Sangam and Ombir to the tune of lakhs of rupees on the pretext of sending them to Dubai.

(3) This Court while issuing notice of motion on 18.10.2023, granted interim bail to the petitioner and which reads as under:-

“Learned counsel for the petitioner submitted that the allegations were only of financial dispute between the parties which have been given a criminal flavour by the police. He further submitted that the petitioner has clean antecedents and he is not involved in any other case.

Notice of motion.

*Mr.Naveen Kumar Sheoran, DAG., Haryana, accepts notice on behalf of the respondent-State.
Adjourned to 24.01.2024.*

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

- (4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from ASI-Sham Lal 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 18.10.2023 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 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.

28.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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