

208      **IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM M-55229-2023 (O&M)**  
**Date of Decision: 29.04.2024**

Uttam Kumar Ray and another

..... Petitioners

Versus

State of Haryana

.....Respondent

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

Present:      Ms. Preeti Singh, Advocate,  
                         for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

**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.393 dated 22.09.2023 registered under Sections 406 and 420 IPC, at Police Station, Gadpuri, District Palwal.

2.              Allegations are that petitioners No.1 & 2 embezzled an amount of Rs.2400/- & Rs.6500/-, respectively and did not return laptop as well as mobile phone entrusted by their employer.

3.              Learned counsel contends that petitioners were granted interim bail vide order dated 06.11.2023 and in pursuance thereof, they have joined investigation; thus, their custodial interrogation is not required.

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

5.              Heard learned counsel for the parties and perused the paper-book.

6.              A Coordinate Bench of this Court vide order dated 06.11.2023, granted interim bail to petitioners and the same reads as under:-

*“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-*

| <i>FIR No.</i> | <i>Dated</i> | <i>Police Station</i>     | <i>Section(s)</i> |
|----------------|--------------|---------------------------|-------------------|
| 0393           | 22.09.2023   | Gadpuri, District Palwal. | 406 and 420, IPC. |

*Counsel for the petitioners submits that petitioners, who have clean antecedents, are the former employees of the complainant-Company. She submits that FIR has been lodged against the petitioners on the allegation that they have embezzled an amount of Rs.2400/- and Rs.6500/-, respectively, and they have not returned a laptop and mobile, given to them by the Company. Counsel submits that petitioners were granted interim protection by the learned Sessions Judge, Palwal, by order dated 17.10.2023, Annexure P-1, and they joined the investigation, but could not furnish an undertaking to the effect that they will not share the data of the Company. Counsel submits that petitioners are ready to rejoin the investigation and comply with the order, Annexure P-1.*

*Notice of motion.*

*On asking of the Court, Ms. Ankita Ahuja, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.*

*List on 02.02.2024.*

*Petitioners are directed to appear before the Investigating Officer on 23.11.2023 at 10.00 A.M. at Police Station Gadpuri, District Palwal, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.*

*Petitioners shall also furnish an undertaking in compliance of order, Annexure P-1.”*

7. In pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required by the Police, at

this stage; thus, order dated 06.11.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. 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.

10. Disposed off accordingly.

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

29.04.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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