

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-55309-2023(O&M)
Date of decision: 18.04.2024

Harsh Hans
...Petitioner
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.
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 petitioner 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 petitioner 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 petitioner on 21.03.2024; in terms thereof, he has joined the investigation and as such, his custodial interrogation is not required. Also contended that matter has been amicably settled between the parties.

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

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

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

(7) It transpires that petitioner was granted interim bail by this Court on 21.03.2024 and order reads as under:-

“Application under Section 482 Cr. P.C. for referring the matter to Mediation and Conciliation Centre of this Court in terms of earlier order dated 09.11.2023 passed by this Court.

On joint request of the parties, matter is referred to Mediation and Conciliation Centre of this Court and both sides i.e. petitioner as well as complainant to appear before the Mediator on 02.04.2024.

Let the report be submitted by the Mediator for 18.04.2024, the date already fixed in the main case.

To facilitate the mediation, applicant-petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

CRM stands disposed off.”

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

(9) Consequently, petition is allowed; interim order dated 21.03.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(10) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) 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.

(12) 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.

(13) Disposed off accordingly.

(14) 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