

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56905-2023
Date of decision: 09.01.2024

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasbir Singh Mohri, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG., Punjab.

Mr. Manthan, Advocate for

Mr. Bikramjit Singh Bajwa, Advocate for the complainant.

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.0174 dated 03.12.2022, under Section 306 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

(2) Allegations are that petitioner duped complainant's brother Satnam Singh to the tune of Rs. 2.80 lakhs on the pretext of sending him abroad for getting jobs, but failed to do and ultimately brother of complainant committed suicide.

(3) This Court while issuing notice of motion on 09.11.2023, granted interim bail to the petitioner and which reads as under:-

“Contends inter alia that co-accused with similar allegations have already been granted the concession of pre-arrest bail by the Co-ordinate Bench.

Notice of motion.

Mr. C.L. Pawar, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 09.01.2024.

In the meanwhile, the petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till 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) Learned Counsel 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-Gurmail Singh has raised no objection and submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (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.
- (7) In view of above, interim order dated 09.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (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) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

09.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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