

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

**CRM-M-57932-2023 (O&M)
Date of decision : 26.02.2024**

Somdutt Khundia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Bansal & Mr. Ankush Singla, Advocates
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.320 dated 21.10.2023 (P-1), under Sections 409 & 420 of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Bhiwani.

(2) Above FIR was registered on the basis of complaint made by Vinod Kumar with the allegations that petitioner, the then District Child Welfare Officer, Bhiwani, had allotted ground of Shagun Vatika to one Rajesh without following the proper norms and thereby caused loss to the State exchequer.

(3) This Court, while issuing notice of motion on 17.11.2023, granted interim bail to petitioner and the order reads as under:-

“While making reference to Annexure P-3, learned Counsel for the petitioner contends inter alia that allotment of Shagun Vatika Ground was made by the Deputy Commissioner in favour of one Rajesh s/o Sh. Gopal Singh, Seva Nagar, Bhiwani for a period of three years w.e.f. 27.08.2014 uptill 26.08.2017; thus, petitioner has been falsely implicated in the present case.

Notice of motion.

On asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 09.01.2024.

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.”

(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 SI Umed Singh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 17.11.2023 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 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 clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

26th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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