

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

CRM M-58358-2023 (O&M)

Date of Decision: 15.01.2024

Balraj Singh @ Maati

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S. Sidhu, Advocate,
for the petitioner.

Mr. Jashan Preet Singh, DAG Punjab,
assisted by SI Darshan Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.140 dated 15.09.2023, under Sections 120-B & 420 IPC at Police Station, Jhunir, District Mansa.

2. Petitioner along with co-accused Jagraj Singh @ Raj Sidhu is alleged to have sold horse of inferior breed to the complainant. Petitioner is neither named in the FIR; nor the alleged money was entrusted to him.

3. This Court vide order dated 20.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has not been named in the FIR; nor there is any other criminal case pending against him and moreover, there is no allegation that any money was entrusted to the petitioner.

Notice of motion.

On the asking of the Court, Mr. C.L. Pawar, Addl. AG, Punjab accepts notice on behalf of respondent and seeks

time to have instructions and/or file written response in the matter.

Posted for 15.01.2024.

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, 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 on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

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

6. In view of above, interim order dated 20.11.2023 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. Disposed off accordingly.

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

15.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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