

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

CRM M-61468-2023 (O&M)
Date of Decision: 05.03.2024

Maan Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasdeep Singh Gill, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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.139 dated 15.10.2023 registered under Sections 420 & 120-B IPC and Section 13 of the Punjab Travel Profession Act, at Police Station, Shambhu, District Patiala.

2. Allegations in brief are that on the asking of petitioner, complainant deposited an amount of Rs.8 lakh in the account of co-accused Shamsher Singh for sending him abroad, but neither he was sent abroad; nor the money was returned.

3. Learned counsel contends that petitioner is Sarpanch of the village and has been falsely implicated in the present case. Also contends that petitioner himself is a victim. Further contends that in pursuance of the interim order dated 07.12.2023, he has joined investigation and his custodial interrogation is not required by the Police.

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 petitioner 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 07.12.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner has submitted that the petitioner is the Sarpanch of the village and has been falsely implicated in the present case. He submitted that rather the petitioner was a victim of the main accused, namely, Shamsher Singh. He further submitted that petitioner is not involved in any other case and has got clean antecedents.

Notice of motion.

Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab. accepts notice on behalf of the State of Punjab

Adjourned to 05.03.2024.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

In view of the above, interim order dated dated 07.12.2023 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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