

ROHIT

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Gautam Dutt, Advocate with
Mr. Vishal Sharda, Advocate for complainant.

HARKESH MANUJA, J. (ORAL)

On 28.02.2024, the following order was passed:-

“Status report by way of affidavit of Mr. Sukhninder Singh (PPS), Assistant Commissioner of Police, Sub Div. V, Cantonment, Jalandhar on behalf of respondent-State has been filed in Court today and the same is taken on record.

Learned counsel for the petitioner *inter alia* submits that with the similar allegations, petitioner has already been granted the concession of interim protection by this Court vide order dated 21.12.2023 passed in CRM-M-63666- 2023, pertaining to FIR No.191 dated 20.10.2023, registered under Sections 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Sadar, Jalandhar as well as vide order dated 22.02.2024 passed by the Hon’ble Apex Court in SLP (Crl.) No.2457/2024 relating to FIR No.198/2023 dated 01.11.2023, registered with Police Station Sadar, Jalandhar.

The petitioner is directed to join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing adequate bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

List on 16.04.2024.”

2. Today learned State counsel submits that though the petitioner has joined the investigation, but they have failed to recover

the cheated amount from the petitioner, and he has also not disclosed the modus operandi of forging of the document.

3. On a specific query being put by this Court, that whether any questionnaires were put to the petitioner, to which the learned State counsel on instructions from Investigating Officer submits that no questionnaires were put to the petitioner during investigation.

4. It seems that the main thrust of the Investigating Officer is upon the recovery of the cheated amount, and this Court cannot only for this purpose, deny the relief of pre-arrest bail to the petitioner, specifically when the petitioner has joined the investigation. The process of joining the investigation cannot be converted into recovery suit. Therefore, the order dated 28.02.2024, is hereby made absolute, subject to the conditions that the petitioner shall keep on joining the investigation, as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

23.04.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>