



CRM-M-284-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-284-2025 (O&M)
Date of Decision: 28.01.2025

Sunder Singh and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.S. Beniwal, Advocate
for the petitioners.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of pre-arrest bail to the petitioners in FIR No.327 dated 12.09.2024 (P-1), under Sections 406, 415 and 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Adampur, District Hisar.

2. Allegations are that petitioners obtained signatures of *de facto* complainant-Tarawanti i.e. husband on some blank papers relating to her property and fraudulently sold the same.

3. Contends that petitioner was granted interim bail by this Court, vide order dated 09.01.2025 and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from SI Rajesh Kumar.
5. Heard learned Counsel for the parties and perused the paper-book.
6. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 09.01.2025 and the order reads as under:-

“It transpires that despite sufficient opportunities, none of the petitioners joined investigation and as a result thereof, learned Additional Sessions Judge, Hisar dismissed their pre-arrest bail vide order dated 21.10.2024 (P-4).

Today again, learned counsel for the petitioners submits that on account of some personal difficulty, they were not able to join investigation.

Although, prima facie, this Court is not convinced with the contention raised by learned counsel for the petitioners; but purely in the interest of justice, one more opportunity is granted to the petitioners to join investigation.

Notice of motion.

At this stage, Mr. Kiran Pal Singh, learned AAG, Haryana accepts notice on behalf of respondent; seeks time to have instructions and/or to file response in the matter.

Posted for 28.01.2025.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners shall also abide by all the conditions as



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envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

It is made clear that in case there is a failure, the petition shall be liable to be dismissed on the next date of hearing”.

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioners have joined investigation and their custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners. Consequently, present petition is allowed; interim order dated 09.01.2025 is made absolute subject to the conditions as envisaged under Section 438(2) of Cr.P.C.

9. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

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

28.01.2025

D.Bansal

(MAHABIR SINGH SINDHU)
JUDGE

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