



CRM-M-19440-2025

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

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CRM-M-19440-2025 (O&M)

Date of Decision: 24.04.2025

Rakesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dilsahibjit Singh, Advocate and
Mr. Sohail Singh, Advocate for
Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') read with Section 482 of Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.393 dated 22.12.2021 (P-1), under Section 420 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kharar, District SAS Nagar.

2. Allegations are that petitioner in connivance with co-accused fraudulently cheated the *de facto* complainant, namely, Shamsher Kaur by selling her plot measuring 220 square yards to two persons, namely, Naresh Kumar and Kiran Kamal.

3. Contends that petitioner was granted interim bail by this Court, vide order dated 08.04.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from quarter concerned and submits that his custodial interrogation is not required.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that petitioner was granted interim bail by this Court, vide order dated 08.04.2025 and the order reads as under:-

“Contends that petitioner was not named in the FIR; moreover civil suit has already been filed at the instance of de facto complainant Shamsher Kaur and that is still pending consideration.

Notice of motion.

Mr. Kunwarbir Singh, learned AAG, Punjab, accepts notice on behalf of respondent; seeks time to have instructions and/or to file response in the matter.

Posted for 24.04.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.

To be heard along with CRM-M-16503-2025. ”

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his 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 petitioner. Consequently, present petition is allowed; interim order dated 08.04.2025 is made absolute subject to the conditions as envisaged under Section 438(2) of Cr.P.C.

9. It is also made clear that petitioner 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 petitioner, State would be at liberty to move an appropriate application for



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recalling of this order.

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

24.04.2025 **(MAHABIR SINGH SINDHU)**
Rajeev (rvs) **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No