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

CRM-M-49238-2024 (O&M)

Date of decision : 15.05.2025

Quadri Soyab

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mohd. Uzair, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Deshpreet Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been filed for grant of pre-arrest bail to the petitioner in FIR No.42 dated 28.04.2023, under Sections 420 and 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bahawala, District Fazilka.

(2) Allegations are that petitioner along with co-accused Raju Adesh has cheated the *de facto* complainant to tune of Rs.23 Lakh by entering into contract with him to purchase Shrimps for the company, namely, Swastika Marine Products and issued a cheque of Vijay Bank which has already been merged with some other Bank.



(3) Learned counsel contends that petitioner was granted interim bail by this Court, vide order dated 13.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) *Per contra*, learned State counsel as well as learned counsel for the complainant vehemently opposed the prayer on the premise that petitioner is not co-operating with the Investigating Officer as he is not disclosing the whereabouts of main accused (Raju Adesh) who employed the petitioner as a truck driver.

(5) Confronted with the above submissions, learned counsel for the petitioner submits that complete details about aforesaid co-accused i.e. telephone number as well as his residential and official address have already been provided to the Investigating Officer and if there is any lapse on the part of Investigating Agency, he cannot be blamed for the same.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim bail by this Court, vide order dated 13.01.2025 and the order reads as under:-

“Status report filed by way of affidavit dated 08.01.2025 of Mr. Tejinder Pal Singh, P.P.S., Deputy Superintendent of Police, Abohar (Rural), District Fazilka, on behalf of the respondent-State is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

Posted for 19.02.2025.



In the meanwhile, order dated 03.10.2024 is modified to the extent that petitioner shall join investigation before the Investigating Officer. In the event of his 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 shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation.

(9) In view of the above, objection raised by learned State counsel as well as on behalf of the complainant to the effect that petitioner is not co-operating with the investigation, deserves to be rejected for the reason that whatever information about co-accused (Raju Adesh) was available with him, has already been supplied to the Investigating Officer; thus, the same cannot be a ground to deny the concession of pre-arrest bail on that count.

(10) Consequently, present petition is allowed; interim order dated 13.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(11) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

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



(13) 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 recalling of this order.

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

15.05.2025

d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

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