



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M No.44763-2023 (O&M)
Date of Decision: 17.01.2025

Ramswaroop Jethmalji Soni

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana
assisted by ASI Narender.

Mr. Nitin Jain, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for pre-arrest bail in FIR No. 275 dated 01.07.2023 (P-1), under Sections 193, 420, 467 and 471 of Indian Penal Code, 1860 (for short 'IPC') at Police Station Gadpuri, District Palwal.

2. Brief allegations, noticed by learned Sessions Judge, Palwal in para No.3 of the impugned order dated 24.08.2023 are as under:

“After hearing both the sides it emerges that present FIR was got lodged by Neeraj Jain, director of "Namo Alloys Pvt. Ltd, Palwal. As per prosecution version in the past also an FIR no. 222 dated 30.03.2018 under sections 120-B, 406, 420 IPC was got lodged by Neeraj Jain / complainant. That FIR pertains to cheating and criminal misappropriation. In the course of investigation of that case petitioner was also roped in as one of the accused, who apprehending his arrest filed bail application in the Hon'ble Punjab and Haryana High Court (CRM-M-4127 of 2021). Further as per prosecution version during the pendency of the bail application before Hon'ble Punjab and Haryana High Court certain fake and forged documents were produced and for that illegal act present FIR is lodged.”



3. Contends that Coordinate Bench, granted interim bail to the petitioner on 06.09.2023 and in pursuance thereof, he has already joined investigation; thus, his custodial interrogation is not required.

4. Above factual position is duly acknowledged by learned State Counsel, on instructions, and further stated that custodial interrogation of the petitioner is not required.

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

6. It is an admitted position that petitioner was granted interim bail by the Coordinate Bench on 06.09.2023 and relevant part of the order reads as under:-

“Apprehending his arrest in FIR No.275 dated 01.07.2023 registered for offence punishable under Sections 193, 420, 467, 471 IPC at Police Station Gadpuri, District Palwal, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of the respondent/State. Mr. Nitin Jain, Advocate appears on behalf of the complainant.

To be heard along with CRM-M No.4127 of 2021 on 18.09.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

7. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.

8. In view of above, interim order dated 06.09.2023 is made absolute, subject to the conditions as envisaged under Section 438 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. Above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Disposed off accordingly.

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

17.01.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No