

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

CRM-M-32143-2015

Date of decision: 02.11.2015

Nazim Ansari and ors.

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Aman Pal, Advocate
for the petitioners.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.503 dated 24.08.2015 under Sections 420, 384, 389, 506, 120 IPC, registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioners submits that in compliance of the order passed by this Court, all the petitioners have joined the investigation and they have cooperated with the investigating agency. He also submits that petitioners are no more required for the purpose of any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Kushalpal Singh, Police Station City Jagadhri, Yamuna Nagar, submits that although all the petitioners have joined the investigation and cooperated with the investigating agency but recovery of amount has still not been got effected from the petitioners. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case noted above, petitioners have been found entitled for the concession of anticipatory bail. It is so said because the complainant has got the present FIR registered after about six months of the alleged occurrence. In such a situation, investigating agency is not supposed to be converted into a recovery agency. If the complainant has got a legitimate right for recovering the alleged amount, he would be at liberty to recover the same, in accordance with law.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 19.09.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

02.11.2015
vishnu