

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

CRM-M-34014-2015

Date of decision: 16.11.2015

Kashmiri

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.152 dated 10.09.2015 under Sections 406, 420, 384, 171 IPC, registered at Police Station Rajound, District Kaithal.

Notice of motion was issued and interim protection was granted.

Learned counsel for the State, on instructions from ASI Satbir Singh, Police Station Rajound, Kaithal, submits that although petitioner has joined the investigation and is not required for the purpose of any further investigation but recovery of money has not been got effected by the petitioner.

On the other hand, learned counsel for the petitioner submits that petitioner has not only joined the investigation but also cooperated with the investigating agency. Since the amount has been seriously disputed by the petitioner, he was not liable to get the same recovered because the recovery of the amount would cause serious prejudice to the defence evidence of the petitioner. He prays for allowing the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, petitioner has been found entitled for the concession of pre-arrest bail. It is so said because petitioner has joined the investigation and cooperated with the investigating agency. There is no allegation against the petitioner that he has made any attempt to misuse the concession of interim anticipatory bail granted to him by this Court. Further, investigating agency cannot become the recovery agency for the complainant.

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 05.10.2015 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

16.11.2015
vishnu