

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6442-2022

Date of Decision: 12.09.2022

Manoj @ Manoj Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prashant Chauhan, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 139 dated 18.12.2021, under Sections 420, 467, 468, 471, 120-B and 506 IPC, registered at Police Station Jatusana, District Rewari, Haryana.

The learned counsel for the petitioner has submitted that the petitioner was granted interim bail by this Court on 30.03.2022 and in pursuance of the aforesaid order, the petitioner has already joined investigation and has also cooperated with the investigation process. He further submitted that since the petitioner has already joined investigation, the order dated 30.03.2022 may be confirmed.

On the other hand, Mr. Ranvir Singh Arya, learned Additional

Advocate General, Haryana has submitted that it is correct that in pursuance of the aforesaid order, the petitioner has already joined investigation. He has however stated that although the petitioner has joined investigation but he has not got recovered an amount of Rs. 10,00,000/- and in that respect the petitioner has not cooperated with the investigation process.

The learned counsel for the petitioner while replying to the objection taken by the learned State counsel has submitted that it is a case where as per the allegations in the FIR the main accused was the daughter of the petitioner namely Madhu and the allegations were that she had taken some money for the purpose of getting the son of the complainant recruited but there is nothing on the record nor it has come in the investigation process that the petitioner has taken any money or that any amount has been transferred in the name of the petitioner. He further submitted that in fact the petitioner was made accused in the present case only because he was the father of the main accused namely Madhu and it was only in order to pressurise that the petitioner was named in the FIR whereas he has got nothing to do with regard to transaction, if any.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 30.03.2022 the petitioner has joined investigation. So far as the objection raised by the learned State counsel that recovery of money is yet to be made from the petitioner is concerned, it is a settled law that when there is a dispute with regard to money, then the recovery of money itself cannot become a ground for denial of anticipatory bail. During the course of arguments a query was raised from the learned State counsel as to whether the petitioner is involved

in any other case or not, he submitted that he is not involved in any other case.

In view of the aforesaid position, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioner.

Consequently, the present petition is allowed. The order dated 30.03.2022 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

12.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No