

209

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

CRM-M-6619-2022

Date of Decision: 25.07.2022

Karamveer Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunil Kumar Verma, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Mr. Abhimanyu Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.435 dated 18.11.2021, under Sections 406, 420, 506 & 120-B of the IPC, registered at Police Station Ellenabad, District Sirsa.

It has been submitted by learned counsel for the petitioner that the petitioner was granted interim bail by this Court on 17.02.2022 and in pursuance thereof, he has joined the investigation and he has fully cooperated with the investigation process. He further submitted that it is a case wherein the allegations against the petitioner were that an amount of Rs.7.5 lacs were transferred in the name of the petitioner from the complainant and the remaining amount about Rs.25 lacs was transferred in the name of another co-accused on the assurance given by the petitioner. He

also submitted that the amount was given by the complainant for the purpose of earning interest and in this regard in case there was a default in payment by the petitioner or the co-accused then instead of filing a civil suit, he lodged this complaint by making a concocted story that it was for the purpose of purchase of the property. He further submitted that even otherwise also the petitioner has joined the investigation and in future also he is ready and willing to join and to cooperate with the investigation process.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, on instructions from S.I. Taranchand, has submitted that in pursuance of the order passed by this Court on 17.02.2022, the petitioner has joined investigation. He further submitted that the recovery of the money has not been made by the police as of yet.

Mr. Abhimanyu Singh, Advocate has caused appearance on behalf of the complainant and has opposed the grant anticipatory bail to the petitioner on the ground that the petitioner has committed a fraud upon the complainant along with other co-accused.

I have heard the learned counsels for the parties.

The dispute on the face of it, appears to be of some money dispute. The petitioner has stated that the money was given to him and the co-accused, was for the purpose of earning interest whereas the complainant has taken up the plea that it was for the purpose of purchase of property. As per the learned counsel for the petitioner, the petitioner in pursuance to the order passed by this Court on 17.02.2022, has joined investigation. The only objection which was raised by the learned State counsel is that the money

has not been recovered from the petitioner as yet. The matter was also sent to the Mediation and Conciliation Centre vide the order passed this Court but as per the learned counsel for the parties, the mediation has failed. It is a settled law that anticipatory bail cannot be denied on the ground of recovery of money by the police.

In view of the aforesaid position, especially in view of the fact that the petitioner has admittedly joined the investigation, the present petition deserves to succeed.

Consequently, the present petition is allowed and the order dated 17.02.2022 is hereby made absolute.

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

25.07.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |