

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

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CRM-M-9934-2022 (O&M)

Date of decision: 23.09.2022

AASHISH KUMAR @ MANOJ

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. Mukesh Kumar Yadav, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 273 dated 21.10.2019 registered under Sections 323, 506, 34 and 120-B IPC (Sections 454 and 380 IPC added later on), at Police Station Ateli, District Mahendergarh.

Learned counsel for the petitioner states that only allegation against the petitioner is that he was having illicit relations with Yogita, who is daughter-in-law of the complainant. It is further submitted that complainant, namely, Basanti while recording her statement before the trial Court has stated that her daughter-in-law, namely, Yogita and two grandchildren, entered the house and gave beatings to her and thereafter, when the complainant's husband came at the spot, he too was given

beatings and DVR, Rs. 1,00,000/- and CD etc had been taken away by the petitioner but no name of the petitioner was mentioned in her statement. Subsequently, the husband of the complainant, namely, Bansidhar, has stated that the DVR, Rs. 1,00,000/- and CD etc had been taken away by the petitioner.

Vide order dated 09.03.2022 passed by this Court, the petitioner had been granted ad interim pre-arrest bail and directed to join the investigation.

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation five times.

Learned State counsel, on instructions from ASI Sushila, submits that though the petitioner has joined the investigation, yet he is not cooperating, inasmuch as, some amount is yet to be recovered from him.

Upon this, learned counsel for the petitioner submits that the prosecution agency in the present case, is acting as a recovery agent and such process cannot be allowed to be adopted being legally untenable.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 09.03.2022 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

23.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No