

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9071 of 2023
Date of decision: 3rd October, 2023

Lajja Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: None for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

Mr. Sanjeev K. Panwar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.291 dated 10.09.2022 under Sections 406, 420 and 120-B of the IPC registered at Police Station Sadar Palwal, District Palwal.

2. On 21.02.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. He submits that the father of the petitioner had received only ₹ 3,00,000/- through NEFT on 20.08.2018 from the complainant since the earlier cheque given by the complainant had

been dishonoured on 08.08.2018 due to “Funds Insufficient” and the father of the petitioner had already returned the amount along with interest. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned State counsel, on instructions from ASI Sube Singh, submits that in compliance of the order dated 21.02.2023, the petitioner, though has joined investigation and cooperated with the investigating agency, however, an amount of ₹ 3.00 lacs has not been recovered yet.

4. Once the petitioner has joined investigation and cooperated with the investigating agency, mere non-recovery of some disputed amount of money cannot be a ground to decline the concession of anticipatory bail to an accused and order his custodial interrogation.

5. The petition is allowed and the interim order dated 21.02.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

October 3, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No