



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

202

CRM-M-10255-2024

Date of decision: 17.09.2024

KIRAN JYOTI

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Nanhera, Advocate, for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

Mr. Navmohit Singh, Advocate for the complainant.

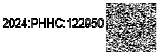
MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.43 dated 09.02.2020 under Sections 120-B, 420, 467, 468, 471 and 506 of the Indian Penal Code, 1860, registered at Police Station Industrial Area, District Bhiwani.

2. On 19.03.2024, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation.

3. Learned counsel for the petitioner submits that in compliance of order dated 19.03.2024, the petitioner has joined investigation and cooperated with the investigating agency and hence, the order be made absolute.

4. Learned State counsel, on instructions, has not disputed the factum of the petitioner having joined investigation. However, it has been submitted that the petitioner has not fully cooperated with the investigating



agency as certain relevant documents including fake ID card which she had purportedly used in luring the complainant to part with Rs.1.80 lacs, given in cash, by the complainant to the husband of the petitioner.

5. Learned counsel for the complainant has also opposed the prayer made by asserting that she being the wife of the prime-accused was the main beneficiary of the amount received i.e. Rs.1.80 lacs and out of the said amount, a school building had been constructed by them.

6. On a pointed query put to the learned State counsel as to whether the petitioner is booked in any other criminal case, she, on instructions, has categorically replied in the negative.

7. The Hon'ble Supreme Court has repeatedly emphasized that Courts must assess a prayer for bail independently, without being swayed by the arguments of the complainant or the prosecution much less for recovery of the cheated amount of money or any other article etc. The Courts are only to satisfy itself while considering a prayer for grant of bail that the legal criteria for granting bail are met; the Court is not to act as agents for recovering the dues etc. of the complainant.

8. In view of the above, the petition is allowed and interim order dated 19.03.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

September 17, 2024
poonam

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