



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-16363-2024

Date of decision: 04.09.2024

Mehar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Sartaj Singh Thakur, Advocate
for respondents No.2 to 4.

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.13 dated 08.03.2024 under Sections 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Talwara, District Hoshiarpur.

2. On 04.04.2024, while noticing the following submissions made by the 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 false and fabricated allegations have been levelled against the petitioner of having duped the complainant of an amount of Rs.4,50,000/- on the pretext of providing a job to her son in the Indian Army. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, has submitted



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that it is highly improbable that on a single visit to the house of the complainant and on an assurance given for procuring a job for her son in the Indian Army, the complainant would have immediately handed over a huge sum of Rs.4,50,000/- in cash to the petitioner and the co-accused. Learned counsel further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 04.04.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, assisted by learned counsel for respondents No.2 to 4, does not dispute the factum of the petitioner having joined investigation. However, it has been submitted by learned State counsel that the petitioner has not fully cooperated in the investigation inasmuch as recovery of amount handed over to the petitioner is yet to be affected.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Hon'ble the Supreme Court has repeatedly emphasised that Courts must assess the prayer for bail application independently, without being swayed by the arguments of the State or the complainant that recovery of certain articles or money is yet to be affected. It has been emphasised by Hon'ble the Supreme Court that the role of the Court is not to aid or assist in recovering the money or articles of the complainant. Rather, the Courts are expected to just prioritise as to whether the parameters laid down for the concession of bail are met, instead of facilitating the recovery of money etc.



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7. In view of the above, the petition is allowed and interim order dated 04.04.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

04.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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