



CRM-M-25483-2024

(1)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

[213]

CRM-M-25483-2024

Date of decision: 02.09.2024

BALRAM

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Himanshu Bansal, Advocate for
Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Ms.Trishanjali Sharma, DAG, Haryana.

Mr. G.C. Shahpuri, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.378 dated 21.10.2022 under Sections 406, 420, 120-B (added lateron) of the IPC registered at Police Station Mullana, District Ambala.

2. On the last date of hearing i.e. on 20.05.2024 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 a perusal of the FIR clearly reveals that there are no allegations levelled against the petitioner, direct or indirect, and he has been arraigned as an accused only on the basis of a disclosure statement made by co-accused Deep Chand who merely stated that pursuant to the money transaction between the co-accused and the complainant, some money had been deposited in the account of the petitioner.”



3. Learned counsel for the petitioner has submitted that the petitioner, in compliance of order dated 20.05.2024, has joined the investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, has not disputed the submission made by the counsel opposite. She, on further instructions, submits that the petitioner is not required for custodial interrogation.
5. I have heard learned counsel for the parties and perused the relevant material placed on record.
6. 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. 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 of the complainant.
7. In view of the above, present petition is allowed and interim order dated 20.05.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

September 02, 2024

*Anjal**

**(MANJARI NEHRU KAUL)
JUDGE**

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