

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-26694-2023

Date of decision: 12.01.2024

Satyawan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Prarthana Duggal, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

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.271 dated 28.03.2023 under Sections 406, 420 and 120-B of the IPC and Section 24 of the Immigration Act registered at Police Station Sadar Karnal, District Karnal.

2. On 05.07.2023, 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 submits that essentially there was a business dispute between the parties qua the sale of some building material which had now been given a criminal complexion. It has further been submitted that even the cheques which had allegedly been given to the complainant with respect to the money taken by the accused for sending the complainant's son and nephew abroad had not been given by the petitioner but by the co-accused. She 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 05.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from HC Amarjeet, does not dispute the factum of the petitioner having joined investigation, however, he submits on instructions, that the petitioner has not fully cooperated with the investigating agency and an amount of ₹25 lakhs which had been taken by him from the complainant in cash had not yet been recovered from him.

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

6. Once the petitioner has joined investigation and cooperated with the investigating agency, mere non-recovery of the amount allegedly given by the complainant to the petitioner and that too in cash, cannot be a ground to order his custodial interrogation.

7. In view of the above, the petition is allowed and interim order dated 05.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

12.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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