



CRM-M-29580-2024

(1)

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

[211-2]**CRM-M-29580-2024****Date of decision: 02.09.2024**

LILU SINGH

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Trishanjali Sharma, DAG, Haryana.

Mr. Vaibhav Sehgal, 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.15 dated 02.02.2024 under Sections 420, 467, 468, 471, 120-B of the IPC, registered at Police Station Satnali, District Mahendergarh.

2. On the last date of hearing i.e. on 05.07.2024 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 admittedly, an amount of Rs.5,40,000/- was deposited into the petitioner’s account by the co-accused, who are a Direct Selling Agency (DSA) of the complainant-bank; it is also a matter of record that on the same day, the aforementioned amount was transferred through RTGS into the account of the prime accused. Learned counsel has asserted that the petitioner himself is a victim of fraud perpetrated upon him by the co-accused; identically placed co-accused Manju Devi has been extended the concession of interim bail by this Court vide order dated 18.05.2024.”

3. Learned counsel for the petitioner has submitted that the petitioner, in compliance of order dated 05.07.2024, 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. He, on further instructions, submits that although the petitioner has joined the investigation but recovery of the cheated money has not been affected yet.

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 the role of a Court while hearing a prayer for anticipatory bail is not to assist in recovering the dues of a complainant, if otherwise, all the legal conditions for granting bail are fulfilled by the petitioner-accused. Hence, once the petitioner has joined investigation in compliance of orders of this Court, he cannot be denied bail for facilitating recovery of the money allegedly obtained by him from the complainant.

7. In view of the above, present petition is allowed and interim order dated 05.07.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC./482(2) of BNSS, 2023.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him the State would be at liberty to seek cancellation of the same.

September 02, 2024

*Anjal**

**(MANJARI NEHRU KAUL)
JUDGE**

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