



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-30852-2024

Date of decision: 05.09.2024

Rajbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shiv Kumar Rana, Advocate and
Mr. Rahul Parmar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Sandeep Lather, 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.207 dated 06.06.2024 for the offences under Sections 406, 420, 506, 34 of the IPC registered at Police Station Sadar Jind, District Jind.

2. On 01.07.2024, 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 inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that no specific role has been attributed to the petitioner in the FIR in question and that he is also ready and willing to join investigation and cooperate with the Investigating Agency. Learned counsel has also drawn the attention of this Court to the



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allegations levelled in the FIR in question, which has been annexed as Annexure P-1 and contended that the complainant filed a complaint with the police on 06.06.2024 regarding an incident which took place on 18.02.2023. Allegedly, the complainant agreed to sell his truck to the co-accused (brother of the petitioner) for ₹24.00 lacs; the truck had an outstanding loan of ₹21.00 lacs which the buyer agreed to pay according to a set schedule; ₹1.00 lac on 20.02.2023 and another amount of ₹2.00 lacs on 20.03.2023; however, out of the said amount, only ₹1.00 lakh was paid with ₹2.00 lacs still unpaid. Learned counsel has submitted that furthermore a perusal of the FIR in question reveals that other than being named in the FIR in question, no specific role has been attributed to the petitioner and evidently he has been implicated only because he happens to be brother of the main accused Sunder, with whom the complainant had entered into an agreement to sell his truck.

On a pointed query put to the learned counsel as to whether the petitioner is involved in any other criminal case, he has categorically replied in the negative.”

3. Reply by way of affidavit of Jitender Singh, HPS, Deputy Superintendent of Police, Safidon, District Jind, on behalf of the respondent-State, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

4. Learned counsel for the petitioner submits that in compliance of order dated 01.07.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation, however, it has been submitted that the petitioner has not fully cooperated with the investigating agency inasmuch as recovery of R.C. and other documents is yet to be effected.

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6. Learned counsel appearing for the complainant has also opposed the prayer made by the counsel opposite since the amount as agreed by the petitioner and the co-accused, to be paid to the complainant for purchase of the truck of the complainant has not been paid.

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

8. 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.

9. In view of the above, the petition is allowed and interim order dated 01.07.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

05.09.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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