



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

211

CRM-M-34908-2024

Date of decision: 12.11.2024

MOHIT GAHLAWAT

....Petitioner

V/s

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Singla, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, 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.0083 dated 03.06.2024 under Sections 406/506 of the Indian Penal Code, 1860, registered at Police Station City Kanina, District Mahendergarh.

2. On the last date of hearing i.e. on 30.07.2024, 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 false allegations have been levelled that the petitioner had been paid a sum of Rs.12 lakhs on the pretext of providing the complainant a job in the Merchant Navy. It has been further submitted that no doubt some cheque was allegedly issued by the father of the petitioner, however, the alleged transaction pertaining to the cheques had nothing to do with the present case and it was for reasons but obvious a false version has been brought forth in the FIR in question to put pressure upon the petitioner. On a pointed



query, it has been submitted that the petitioner has no criminal antecedents.”

3. Learned counsel for the petitioner submits that in compliance of order dated 30.07.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency, however, he submits that the recovery of the cheated amount along with some other documents is yet to be effected from the petitioner.

5. 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 or any other article etc. 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 etc. of the complainant.

6. In view of the above, the petition is allowed and interim order dated 30.07.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

(MANJARI NEHRU KAUL)
JUDGE

November 12, 2024
poonam

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