



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-36711-2023

Date of decision: 24.10.2024

Rinku Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Satya Pal Jain, ASG (through VC) with
Ms. Neha Sharma, Senior Panel Counsel for UOI.

Mr. Raghav Sharma, 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.89 dated 17.05.2023 under Sections 406, 420 of the Indian Penal Code, 1860 and Sections 10, 24 of the Immigration Act (added lateron), registered at Police Station Jhansa, District Kurukshetra.
2. On 19.12.2023, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.
3. Learned counsel for the petitioner submits that in compliance of order dated 19.12.2023, the petitioner has joined investigation and cooperated with the investigating agency.



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4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. However, it is submitted by learned State counsel that the petitioner has not fully cooperated inasmuch as amount of Rs.2 lakhs is yet to be recovered from him.

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

6. 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.

7. In view of the above, the petition is allowed and interim order dated 19.12.2023, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

24.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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