



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-35546-2024

Date of decision: 06.11.2024

Chattar Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Robin Dutt, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Krishan Singla, 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.137 dated 28.04.2024 for the offences under Sections 406, 420 of the IPC (Sections 468, 471, 120-B IPC added later on) registered at Police Station Naraingarh, District Ambala.

2. Reply by way of affidavit of Mukesh Kumar, HPS, Deputy Superintendent of Police, Naraingarh District Ambala, 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.

3. On 31.07.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted



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the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel inter alia contends that a perusal of the allegations levelled in the FIR, which has been annexed as Annexure P-1, clearly points to it being a dispute essentially of a civil nature; false allegations have been levelled that the petitioner in connivance with the co-accused had cheated the complainant by inducing to part with a sum of ₹73,50,000/- on the pretext of selling some land. Learned counsel submits that the petitioner has no criminal antecedents and that he is willing to join investigation and cooperate with the Investigating Agency.”

4. Learned counsel for the petitioner submits that in compliance of order dated 31.07.2024, 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 some documents pertaining to the agreement to sell have not yet been recovered.

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

7. 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,

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instead of facilitating the recovery of money etc.

8. In view of the above, the petition is allowed and interim order dated 31.07.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

06.11.2024

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(MANJARI NEHRU KAUL)**JUDGE**

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