



CRM-M-40468-2024

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

CRM-M-40468-2024  
Decided on : 03.12.2024

Jaswant Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Mukesh Yadav, Advocate  
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Lakshay Jindal, Advocate  
for the complainant.

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**Manjari Nehru Kaul, J.**

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.15 dated 02.02.2024 under Section 420, 467, 468, 471, 120-B IPC registered at Police Station Satnali, District Mahendergarh.

2.            On 03.09.2024, 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 the petitioner is neither the beneficiary nor did he in any manner conspire with the co-accused to dupe the complainant of an amount totalling Rs.4,41,00,000/-. It has*



*been submitted that in fact the petitioner himself was a victim of the fraud which was perpetuated upon him by the co-accused as it is a matter of record that although Rs.5 lakhs was transferred into his account by one Sanju, however, on the same day itself, the said amount had been transferred into the account of Reena Shekhawat, wife of prime accused Manoj Singh.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 03.09.2024, petitioner has joined the investigation and cooperated with the investigating officer.

4. Learned State counsel assisted by counsel for the complainant, on instructions from SI Sarika, has not disputed the submission made by learned counsel for the petitioner. Learned State counsel has further submitted that the petitioner is not required for custodial interrogation. However, it has been asserted by the State counsel that recovery of Rs.15 lakhs, which was given in cash to the petitioner has not yet been made.

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



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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, present petition is allowed and interim order dated 03.09.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC/482(2) of BNSS.

03.12.2024  
*sonia*

(MANJARI NEHRU KAUL)  
JUDGE

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