



CRM-M-43987-2024

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

CRM-M-43987-2024
Decided on : 05.12.2024

Shyamwati

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pardeep Panwar, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C./482 of BNS, for grant of anticipatory bail to the petitioner in case FIR No.31 dated 02.02.2023 under Section 406, 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Hassanpur, District Palwal.

2. On 06.09.2024, 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 her to join investigation:

“Learned counsel for the petitioner inter alia contends that the petitioner is a 78 years old illiterate woman, who was not even a part of the conspiracy allegedly hatched by her own grand-daughter Rishika. Learned counsel has submitted that it is co-accused Rishika, who pasted the photograph of the petitioner on the Aadhar Card of the actual owner Kishmish while entering into an agreement to sell with the complainant. He further



submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 06.09.2024, petitioner has joined the investigation and cooperated with the investigating officer.

4. Learned State counsel assisted by counsel for the complainant, on instructions, 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.9.70 lakhs, which was given in cash as well as through cheque to the petitioner and her husband 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 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



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order dated 06.09.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC/482(2) of BNSS.

05.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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