

2024.PHHC:114115



CRM-M-47067-2023

(1)

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

[203]

CRM-M-47067-2023(O&M)

Date of decision: 02.09.2024

MANINDER SINGH @ MONI

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Himanshu Bansal, Advocate for
Mr. Sachin Gupta, Advocate for the petitioner.

Ms.Trishanjali Sharma, DAG, Haryana.

Mr. G.C. Shahpuri, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.685 dated 02.09.2023 under Sections 406 and 420 of the IPC(Section 120-B IPC added later on), registered at Police Station City, Yamuna Nagar.

2. Vide order dated 16.05.2024, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation. The relevant portion of the said order is as under:-

In compliance of the last order, learned State counsel on instructions has informed the Court that the petitioner has indeed been declared innocent in the other criminal case which had been registered against him.

3. Learned counsel for the petitioner has submitted that the petitioner, in compliance of order dated 16.05.2024, has joined the investigation and cooperated with the investigating agency.



4. Learned State counsel has not disputed the submission made by the counsel opposite. she, on instructions, submits that although one more case for offences punishable under Sections 406 and 420 IPC as well as Sections 10 & 24 of the Immigration Act, has been registered against the petitioner, but he has since been declared innocent in the said case.

5. Learned counsel for the complainant has, however, vehemently opposed the prayer and submissions made by the counsel opposite. It has also been argued by the learned counsel that petitioner is the first cousin of the complainant. It was at the behest and on an assurance given by the petitioner, the complainant had taken money from different persons by assuring that she would be able to get work permit for Polland for them. However, after obtaining a sum of Rs.50 lacs, the petitioner had supplied fake visa to the clients of the complainant and, thus, cheated them of a huge amount of money.

6. On a pointed query put to the learned State counsel as to whether there had been any bank transactions between the complainant and her clients or even between the complainant and the petitioner, he has replied in the negative and instead, submitted that the entire sum of Rs.50 lacs was paid to the petitioner in cash. A prayer has therefore been made by the learned State counsel that in view of the huge money involved and not even a single penny having been recovered, the petitioner does not deserve the concession of anticipatory bail.

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



8. 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. 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 of the complainant.

9. In view of the above, present petition is allowed and interim order dated 16.05.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

September 02, 2024

Anjal*

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No