



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.48245 of 2024
Date of decision: 22.11.2024

SUNNY

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Harmanpreet Kaur, Advocate for
Mr. Pardeep Balyan, Advocate for the petitioner.
Ms. Nidhi Garg, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.644 dated 20.12.2023 registered under Sections 323, 34, 406 and 506 of IPC (Section 406 of IPC was dropped and Section 365 and 384 of IPC added), at Police Station Sonipat City, District Sonipat.
2. Vide order dated 26.09.2024, passed by this Court, the petitioners were released on interim bail and were directed to join investigation. Order dated 26.09.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.644 dated 20.12.2023 registered under Sections 323, 34, 406 and 506 of IPC, at Police Station Sonipat City, District Sonipat.

Adumbrated facts as emanating from the record are that on 17.12.2023, a call was received by the Police on helpline No.112 by one Jitender Singh informing that he had been kidnapped and beaten up by some body and about extracting a sum of ₹80,000/- from him by the kidnapper. He also informed that he had sustained injuries and knowing the account number and mobile number to which the



money was transferred. Then the said caller Jitender Singh came to the Police Station on the same day and lodged a complaint alleging therein that on the same day, the petitioner had made a call on his phone and then by picking the complainant from his house, took him to some office at Gohana Road. He was extended beatings and was forced to transfer an amount of ₹80,000/- from his bank account to the account of the petitioner from his mobile phone. He alleged that now the petitioner who earlier used to work with Sonu and Monu, was demanding a sum of ₹10 lacs from him. He stated that he had some money transactions with the above named Sonu and Monu but not with the petitioner. While feeling scared to his life and liberty, he prayed for taking action. On his complaint, initially a case under Sections 323, 406, 506 read with Section 34 of IPC was registered. Subsequently, offence under Section 406 of IPC was deleted and offences under Sections 365 and 384 of IPC were added. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Sessions Judge, Sonapat vide order dated 12.01.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case just to settle some financial transactions. In fact, the complainant himself had transferred the amount of ₹80,000/- in his bank account and then by concocting a false version, lodged FIR against him by twisting the facts. Now the complainant has sworn an affidavit in favour of the petitioner admitting that it was a case of some monetary transaction which had been settled. The subject offences are even otherwise have not



been made out against the petitioner. The amount of ₹80,000/- had been transferred in the bank account of co-accused Surender Malik and not in his account. His custodial interrogation is not required. Neither any recovery is to be effected from him. He is ready to join investigation. Therefore, it is urged that he deserves to be extended benefit of bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that there are serious allegations against the petitioner therefore, he does not deserve to be extended benefit of bail. She seeks time to file status report in the matter.

Adjourned to 22.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Reply dated 21.11.2024 filed on behalf of respondent-State is taken on record. Learned State counsel has submitted that though the petitioner has joined the investigation on 17.11.2024, however he has not co-operated with the investigating agency and the vehicle (Thar) which was used at the time of commission of offences and an amount of Rs.80,000/- had not been



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recovered by him and for that purpose he is required to join into the investigation again.

4. It is well settled proposition of law that the criminal law process, especially while deciding applications for bail, should not be used for coercion or recovery of money and rather it should be based on merits of the case. The decisions in bail applications should not be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding. Reference in this regard can be made in ***Dilip Singh vs. State of Madhya Pradesh and another, 2021(R) RCR (Criminal) 585*** wherein, it was observed by this Court that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as recovery agent to realize dues of complainant without there being any trial. Further reliance can also be made to ***Manoj Kumar Sood and Another vs. State of Jharkhand, Special Leave to Appeal (Crl.) NO.1274 of 2021 decided on 19.03.2021*** wherein, it was observed that disputed dues cannot be recovered in criminal proceedings.

5. In view of this position of law, the petitioner cannot be denied bail only because of the fact that the vehicle used at the time of commission of offence and money has not been recovered by them. In my considered opinion, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and order dated 26.09.2024 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

22.11.2024

Jyoti-IV

Whether speaking/reasoned:

Yes/No.

Whether reportable :

Yes/No