



CRM-M-11460-2025

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

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CRM-M-11460-2025 (O&M)**Date of Decision: 29.05.2025**

Shiv Charan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Mazlish Khan, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Ashok K. Sharma (Bhana)
Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest
bail to the petitioner in FIR No.173 dated 22.06.2023, registered under
Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC') [Section
120-B IPC added later on] at Police Station Civil Lines, Jind, District Jind.

2. Allegations are that petitioner along with other co-accused in
criminal conspiracy with each other duped the *de facto* complainant-Deepak
for an amount of Rs. 37 lakh on the pretext of sending him abroad.

3. Contends that petitioner was granted interim bail by this Court,
vide order dated 28.02.2025 and in pursuance thereof, he has already joined
investigation; hence, his custodial interrogation is not required.



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4. The above factual position is not disputed by learned State Counsel, on instructions from SI Krishan Kumar and submits that his custodial interrogation is not required.

5. Learned counsel for the complainant vehemently opposed the prayer while submitting that petitioner has cheated the complainant and allegations against petitioner are serious in nature and amount of Rs.25,00,000/- is yet to be recovered from the petitioner; hence, he does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that petitioner was granted interim bail by this Court, vide order dated 28.02.2025 and the order reads as under:-

“Contends, inter alia, that there is no material available with the prosecution to indicate that petitioner has received any money from the de facto complainant.

Notice of motion.

Mr. Kiran Pal Singh, learned A.A.G., Haryana accepts notice on behalf of the respondent-State; whereas, Mr. Ashok K. Sharma (Bhana), Advocate, causes representation and files Memo of Appearance on behalf of the complainant. Both of them seek time to have instructions and/or to file written response(s) in the matter.

Posted for 10.03.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.

To be heard along with CRM-M No.5008 of 2025.”

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

9. Although learned counsel for complainant has opposed the prayer; but contention raised by learned counsel for complainant is not acceptable for the reason that State is not asking for custodial

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interrogation of petitioner. Moreover, Police is not the recovery agent for complainant; rather, they are to maintain the law and order in the State. Thus remedy for recovery, if any, at the instance of complainant lies somewhere else; but present bail matter is not the recovery proceedings.

10. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.02.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of BNSS.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

13. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

29.05.2025

Rajeev (rvs)

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No