

2025:PHHC:063575



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

333

**CRM-M No.15545 of 2025
Date of decision: 13.05.2025**

Khyali Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Akash Deep Singh, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Rhythem Bajaj, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. It is argued by learned counsel for the complainant that custodial interrogation of the petitioner is required for effecting recovery of money which was received by him from the complainant by making false representation and by way of duping him. It is, therefore, argued that the petition is liable to be dismissed.

2. As already observed, the petitioner joined investigation on 27.03.2025 in compliance of order dated 21.03.2025 as passed by this

2025:PHHC:063575



Court. It is a question of debate as to whether the money allegedly paid to him by the complainant was infact so paid. 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. Reference in this regard can be made in ***Dilip Singh vs. State of Madhya Pradesh and another, 2021(1) 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.

3. In view of this position of law, the petitioner cannot be denied bail only because of the fact that the disputed money has not been recovered by him. Given the nature of the allegations, the pre trial incarceration of the petitioner is not required. As such, without commenting on the merits of the case and in the circumstances peculiar to this case, the petitioner makes a case for release on pre arrest bail. Accordingly, the petition is allowed and the order dated 21.03.2025 granting interim bail to the petitioner is made absolute subject to the

2025:PHHC:063575



compliance of the conditions laid down in Section 482(2) of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023.

13.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No