



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

CRM-M-18082-2025

Date of decision: 05.05.2025

Eash Kumar Sarna

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pardeep Duhan, Advocate and
Mr. Navneet Sharma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vazir Singh Mor, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.95 dated 11.03.2025 under Sections 316(2)/318(4) of BNS
registered at Police Station City Tohana, District Fatehabad, Haryana
(Annexure P-1).

On 02.04.2025, the following order was passed:-

*'The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
to the petitioner in case bearing FIR No.95 dated 11.03.2025 under
Sections 316(2)/318(4) of BNS registered at Police Station Central
City Tohana, District Fatehabad, Haryana (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that the
petitioner has been falsely implicated in the present case and as per
the case set up by the prosecution, the dispute between the parties
emanates from business transactions and the FIR (supra) has been
registered as a counter blast to the complaint given by the brother-in-
law of the petitioner on 18.10.2024. The complainant has also given a
complaint against the petitioner and his brother-in-law with serious
allegations of abduction of two persons which after investigation were
found to be false. Under the garb of the FIR (supra) the complainant
wants to settle the financial dispute. The dispute between the parties
is purely civil in nature. Moreover, the maximum sentence under
which the FIR was lodged is punishable upto 07 years.*

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG,

Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Ashish Naik, Advocate puts in appearance on behalf of the complainant and files his memorandum of appearance in the Court today which is taken on record. He vehemently opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has duped the complainant with a huge amount of Rs.1.42 crores and he is a habitual offender and thus, does not deserve any relief.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.05.2025

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from SI Devi Lal, at the very outset informs the Court that the petitioner has joined the investigation. However, he submits that the petitioner has not cooperated as the amount involved has still not been recovered.

Pertinently, the Hon'ble Supreme Court in **Dilip Singh vs. State of Madhya Pradesh and others 2021(2) SCC(Cri) 106** and **Lalit Chaturvedi and others vs. State of Uttar Pradesh and others 2024(2) R.C.R.(Criminal) 73** has categorically held that bail proceedings cannot be used as proceedings for effecting recovery.

Therefore, in view of the statement made by learned State counsel, the order dated 02.04.2025 passed by this Court, is hereby made



absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*earlier Section 438(2) Cr.P.C.*).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

05.05.2025
Neha

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