



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

1.

CRM-M No.28056 of 2024
Date of decision: January 22nd, 2025
- Yogesh Bansal

.....Petitioner
- Versus
- State of Haryana

.....Respondent
2.

CRM-M No.24723 of 2024
- Harmeet Bansal

.....Petitioner
- Versus
- State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dharam Chand Mittal, Advocate
for the petitioner (in CRM-M-28056-2024).

Mr. Vishal Sodhi, Advocate
for the petitioner (in CRM-M-24723-2024).

Mr. Rajat Gautam, Additional Advocate General, Haryana.

Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioners, as they arise out of same FIR i.e. FIR No.68 dated 04.06.2023 under Sections 406, 420, 120-B, 34 of the Indian Penal Code, 1860, registered at Police Station Rori, District Sirsa.

2. Vide order dated 18.07.2024, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:

“Learned counsel for the petitioner(s) submits that the petitioner(s) has been falsely implicated in this case. The complainant never entered into any conversation or dealing with the petitioner(s) nor the petitioner(s) ever extended any assurance in any manner. In fact, the petitioner Yogesh Bansal is an advocate by profession and joined legal profession in the year 2022. It is further submitted that the petitioner(s) never remained associated as legal advisor with any financial institute involved in advancing loans. The petitioner(s) is ready to join investigation and to cooperate with the investigating agency.”

3. Learned counsel for the petitioners submit that in compliance of order dated 18.07.2024, the petitioners have joined investigation and cooperated with the investigating agency.

4. However, learned State counsel, on instructions, has submitted to the contrary and seeks dismissal of the instant petitions for the custodial interrogation of the petitioners as recovery of the money, which was allegedly given by the complainant to the petitioners, has not been made.

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

6. Hon’ble the Supreme Court has consistently underscored that Courts must evaluate bail applications independently, without being unduly influenced by the arguments from the State or the complainant regarding pending recovery of certain articles or money. Hon’ble the Supreme Court has made it clear that the role of the Court is not to assist or facilitate the recovery of money or property on behalf of the complainant while hearing a petition under Section 438 of the Cr.P.C./ 482 of the BNSS. Instead, the focus of the Court should remain on

determining whether the conditions and parameters for granting bail, as per law, have been satisfied.

7. In view of the above, the petitions are allowed and interim order dated 18.07.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

8. Copy of this order be placed on the file of connected case.

January 22nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No