



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

207

CRM-M-43361-2024 (O&M)

Date of decision: 16.01.2025

MANOJ KUMAR @ MANOJ KUMAR SINGH

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Nain, Advocate for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr.Sourabh Sheoran, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 26.01.2024 under Sections 120-B, 406 and 420 of the Indian Penal Code, 1860, registered at Police Station City Mahendergarh, District Mahendergarh.

2. On 03.09.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner inter alia contends that the firm which allegedly duped the complainant of an amount of Rs.34 lakhs was not even in the name of the petitioner but in the name of one Gopal Dass; as per allegations only Rs.33,000/- had been handed over to the petitioner and that too by way of cash. It



has been submitted that there was not even a single transaction through bank which could in any manner link the petitioner with the crime in question or even with the firm in which the complainant had allegedly invested.”

3. Learned counsel for the petitioner submits that in compliance of order dated 03.09.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, has not disputed on instructions that the petitioner has joined investigation but submits that recovery of approximately Rs. 33 lacs is to be made from the petitioner; has drawn the attention of this Court to para 3 of the reply dated 20.12.2024 and submitted that it indeed is a fact that a complaint with almost identical allegations stands registered against the petitioner at the instance of one Surya Prakash in Rewari District.

5. Learned counsel for the complainant has still further brought to the notice of this Court that misleading averments have been made by the counsel for the petitioner that the firm was not registered in the name of the petitioner which is contrary to the record. In support, learned counsel for the respondent-complainant has placed on record a document which has GST No.07AYDPS7343H2Z4 of the firm wherein it finds reflected that it is in the name of “MANOJ KUMAR SINGH” and the trade name is of “AASTHA JEWELLERS MULTITRADE CO.”

6. Learned counsel for the petitioner, however, has yet again controverted the submissions made by the counsel for the State as well as the respondent, while drawing the attention of this Court to Annexures P-4, P-5 and P-6, and in particular to Annexure P-4 which is an invoice in the



name of wife of respondent No.2 wherein it stands reflected that gold biscuits etc. amounting to approximately Rs.11 lacs had been given by the petitioner, and hence there was no question of him having cheated and misappropriated the amount given by the complainant for the purchase of gold.

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

8. The Hon’ble Supreme Court has repeatedly emphasized that Courts must assess a prayer for bail independently, without being swayed by the arguments of the complainant or the prosecution, much less for recovery of the alleged cheated amount of money or any other article etc. The Courts are only to satisfy itself while considering a prayer for grant of bail that the legal criteria for granting bail are met; the Court is not to act as agents for recovering the dues etc. of the complainant.

5. In view of the above, the petition is allowed and interim order dated 03.09.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

January 16, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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