



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

212

CRM-M-43652-2024

Date of decision: February 19th, 2025

Rajesh Bansal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Neeraj Jain, Advocate
for the petitioners.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Mr. B.D. Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Learned counsel for the petitioners submits that although the parties were referred to the Mediation and Conciliation Centre of this Court vide order dated 07.11.2024 of this Court, however, the parties were unable to arrive at an amicable settlement.

2. Learned counsel has submitted that the petitioners have since complied with the order dated 05.09.2024 by joining investigation and cooperating with the investigating agency.

3. Learned State counsel, on instructions from ASI Sushil Kumar, does not dispute the said fact and further submits that the custodial interrogation of the petitioners is not required. However, learned counsel for the complainant has opposed the prayer made for extending the concession of anticipatory bail to the petitioners by urging that the petitioners had failed to repay an amount of approximately

₹9,50,000/-, which was due towards the complainant and hence, their prayer be declined.

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

5. 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.

6. In view of the above, the petition is allowed and interim order dated 05.09.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

February 19th, 2025

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No