

2025:PHHC:054321



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

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CRM-M-49215-2024

Date of decision: April 28, 2025

KARNAIL SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 483 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.766 dated 09.08.2024 under Sections 120-B/420/467/468/471 of the Indian Penal Code, 1860, registered at Police Station City Yamuna Nagar.
2. Learned counsel for the petitioner has reiterated that in compliance of the order dated 14.02.2025, the petitioner has joined investigation and cooperated with the investigating agency.
3. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite that the petitioner has joined investigation in compliance of the order dated 14.02.2025. However, it has been asserted that it had come during the investigation that an amount of approximately Rs.1 crore had fallen to the share of the petitioner, out of which, he had returned approximately Rs.47,50,000/-. Therefore, an amount of approximately Rs.52,50,000/- was still to be recovered from him. Learned



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State counsel, on instructions, submits that the petitioner's custodial interrogation would thus be required for the recovery of the remaining amount of money.

4. On a further query put to the learned State counsel, he, on instructions, has not disputed that otherwise, the investigation in the present case is complete *qua* all the accused including the petitioner as challan already stands presented.

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

6. Hon'ble the Supreme Court has repeatedly emphasized that Courts must assess the prayer for bail application independently, without being swayed by the arguments of the State or the complainant that recovery of certain articles or money is yet to be affected. It has been emphasized by Hon'ble the Supreme Court that the role of the Court is not to aid or assist in recovering the money or articles of the complainant, rather the Courts are expected to just prioritize as to whether the parameters laid down for the concession of bail are met, instead of facilitating the recovery of money etc.

7. In view of the above, the petition is allowed and interim order dated 14.02.2025, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS.

April 28, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

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