



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49427-2024(O&M)
Date of decision: 09.01.2025

Bimla and another
...Petitioners
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Himanshu Garg, Advocate for
Mr. Aditya Sanghi, Advocate for the petitioners.

Mr. Ashok S. Chaudhry, Addl.A.G., Haryana.

Mr. Dhananjay Singh, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of pre-arrest bail to the petitioners in FIR No.265 dated 25.03.2023, under Sections 406, 415, 420, 467, 468, 471, 506 of the Indian Penal Code, 1860, registered at Police Station, Samalkha, District Panipat.

(2) Allegations are that petitioners alongwith other co-accused allured complainant-Parveen Kumar to invest the money to the tune of Rs.27 lakh in the firm of accused No.1-Ajay through M/s Durga Engineering by assuring of good returns; but fled away after defrauding complainant as well as other persons.

(3) The Coordinate Bench, while issuing notice of motion on 01.10.2024, granted interim bail to the petitioners and which reads as under:-

“Bimla and Janak Garg have filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.265 dated 25.03.2023, under



Sections 406, 415, 420, 467, 468, 471, 506 of IPC, registered at Police Station Samalkha, District Panipat.

Learned counsel for petitioners argued that all the allegations levelled against present petitioners are false. They have nothing to do with M/s Durga Engineering nor they have allured anybody to invest money in the same. He placed on record copy of registration certificate Annexure P-8, according to which, it is sole proprietorship of Ajay Kumar coaccused. He also referred to one compromise arrived at before police which is Annexure P-9 where it is not signed by the present petitioners. It is further pointed out that accused Ajay Kumar has been granted interim relief in the aforesaid FIR vide order dated 22.05.2023 which is Annexure P-4. Learned counsel for petitioners also referred to the reply submitted by Deputy Superintendent of Police dated 16.09.2023 where in para No.2(vi) it is conceded that Bimla and brother-in-law Janak Raj have joined investigation on 23.05.2023 and at that time the police did not find any clue of their involvement in the crime. It is pointed out that present petitioners are still ready to join the investigation.

Notice of motion.

On asking of this Court, Mr. Rupinder Singh Jhand, Addl. A.G., Haryana accepts notice on behalf of State. He opposed the bail application and prays for an adjournment to file status report.

Mr. Abhijeet Sharma, Advocate appeared on behalf of complainant and filed vakalatnama, which is taken on record.

Adjourned to 27.11.2024, for filing status report.

In the meantime, arrest of present petitioners Bimla and Janak Garg is stayed till the next date of hearing subject to the joining of investigation.”

(4) Learned Counsel contends that petitioners were granted interim protection by the Coordinate Bench vide order dated 01.10.2024 and in pursuance thereof, petitioners have joined investigation.



- (5) Learned State Counsel on instructions has duly acknowledged the above factual position.
- (6) Although, learned counsel for complainant raises objection to the prayer of petitioners on the premise that money is yet to be recovered, but State of Haryana has accepted that petitioners did join investigation, therefore, the objection of complainant stands rejected. Moreover, present bail application is not the recovery proceedings; nor the Police is supposed to act as a recovery agent at the instance of complainant while opposing the pre-arrest bail.
- (7) Consequently, interim order dated 01.10.2024 is made absolute subject to the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.
- (8) It is made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (10) It is also made clear that in case of any recurrence on the part of the petitioners, the State would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.

Pending application(s), if any, shall also stand disposed off.

09.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No