



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

201

CRM-M-55829-2024

Date of decision: January 20<sup>th</sup>, 2025

Mahabir

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. D.S. Virk, Advocate  
for the petitioner.

Mr. Rajat Gautam, Additional Advocate General, Haryana.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of anticipatory bail in FIR No.198 dated 16.08.2024 under Sections 406, 420 of the IPC registered at Police Station Nathu Sarai Chopta, District Sirsa.

2. Learned counsel for the petitioner submits that in compliance of order dated 11.11.2024, the petitioner has joined investigation and cooperated with the investigating agency.

3. Learned State counsel, on instructions, has not disputed that the petitioner has joined investigation, however, he submits that he has not fully cooperated as an amount of ₹1 lakh has not been recovered from the petitioner.

4. On a query posed to the learned State counsel as to whether there was any documented monetary transaction between the petitioner and the complainant, he submits that although there was none, however, it had surfaced in the disclosure statement made by the co-accused that ₹1 lakh had been paid to the petitioner in cash.

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. Hon'ble the Supreme Court has repeatedly emphasised 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 emphasised 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 prioritise 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 11.11.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

**January 20<sup>th</sup>, 2025**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No