



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

302

CRM-M-65638-2024 (O&M)
Date of Decision: 20.02.2025

MANDEEP KAUR
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Gursharan Singh, Advocate for the petitioner.
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
137	21.11.2024	Bhogpur, District Jalandhar	406, 420 of IPC and Section 13 of Punjab Travel Professionals (Regulation) Act

2. Vide order dated 01.01.2025 passed by this Court, the petitioner was ordered to be released on interim bail and was directed to join investigation.
3. Status report has been filed by respondent-State. Learned State counsel has submitted that the petitioner has joined the investigation on 24.01.2025. However, it is argued by her that since the petitioner is not disclosing the whereabouts of the co-accused Munal Bhanot and is not getting effected the recovery of money which had been extracted from the complainant effected, therefore, her custodial interrogation is required and she does not deserve to be extended benefit of regular bail. It is well settled proposition of law that non recovery of the disputed amount cannot be



considered to be a ground for denying the benefit of bail to the accused and co-accused. It is well settled proposition of law that the criminal law process, especially while deciding applications for bail, should not be used for coercion or recovery of money and rather it should be based on merits of the case. The decisions in bail applications should not be made on the nature of accusation, severity of potential punishment and likelihood of an accused absconding. Reference in this regard can be made in *Dilip Singh vs State of Madhya Pradesh and another, 2021(R) RCR (Criminal) 585* wherein, it was observed by this Court that a criminal Court exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as recovery of agent to realize dues of complainant without there being any trial. Further reliance can also be made to *Manoj Kumar Sood and Another vs State of Jharkhand, Special Leave to Appeal (Crl.) No.1274 of 2021 decided on 19.03.2021* wherein, it was observed that disputed dues cannot be recovered in criminal proceedings. In view of this proposition of law, the prayer made by petitioner cannot be declined due to non-recovery of money. Further, the fact that whereabouts of the co-accused have not been disclosed by the petitioner cannot also be a ground for the same purpose. In view of the nature of the allegations as levelled in the petition, this Court of the opinion that pretrial, incarceration of the petitioner as such is not required.

4. Keeping in view the above discussed facts and circumstances but without commenting on the merits of the case, the present petition is allowed and the order dated 01.01.2025 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

20.02.2025

Deepak Patwal

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |