

2025:PHHC:051066



206.

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

**CRM-M-64071-2024**

Date of decision: 21.04.2025

Atul

.... Petitioner

Versus

State of UT, Chandigarh

.... Respondent

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

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Vipin Pal Yadav, Additional Public Prosecutor, UT,  
Chandigarh.

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

1. The petitioner is seeking the concession of anticipatory bail, under Section 482 of BNSS, 2023, in case FIR No.67, dated 24.11.2024, under Sections 304, 3(5) of BNS, registered at Police Station I.T. Park, Chandigarh.

2. Vide order dated 13.01.2025, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

3. Learned counsel for the petitioner submits that in compliance of order dated 13.01.2025, petitioner has joined investigation and cooperated with the investigating agency.

4. Learned counsel for the respondent-UT, Chandigarh, on instructions, has not disputed the submissions made by the counsel opposite qua the petitioner joining the investigation in compliance of order dated

13.01.2025, however, it has been submitted that the recovery of mobile handset and the gold ring of the complainant's sister is yet to be effected.

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

6. 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.

7. In the facts and circumstances of the case in hand, once the petitioner has joined investigation in compliance of order dated 13.01.2025, he cannot be denied the concession of anticipatory bail, by merely saying that some recovery is yet to be effected.

8. Without commenting upon the merits of the case, the petition is allowed and interim order dated 13.01.2025 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

**(MANJARI NEHRU KAUL)  
JUDGE**

**April 21, 2025**

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No