



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.8962 of 2025
Date of decision: 07.03.2025

MANDEEP SINGH BATH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. K.B.S. Mann, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, Punjab.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.79 dated 15.09.2024 registered under Sections 297(1), 297(2), 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') and Section 9 of the Lottery Act, at Police Station Dayalpura, District Bathinda.

2. Vide order dated 17.02.2025, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 17.02.2025, passed by this Court, reads as under:

"The present petition has been filed by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.79 dated 15.09.2024 registered under Sections 297(1), 297(2), 318(4) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short- 'BNS') and Section 9 of the Lottery Act, at Police Station Dayalpura, District Bathinda.



As per the prosecution case, on 15.09.2024, a Police party headed by SHO-Jagroop Singh was performing patrolling duty and was present at bus stand Kothe when a secret information was received that the accused-Dr. Balkaran Singh in connivance with some persons was being engaged in the business of selling coupons of lotteries(tickets) in illegal manner by misguiding innocent persons on the pretext that his lottery tickets were approved by Govt. of Punjab whereas no licence or permit had been issued by the government in this regard. On receipt of this information, rukka was sent. Then on 29.09.2024, Balkaran Singh was apprehended. He suffered disclosure statement on the basis of which, present petitioner had been nominated as an accused vide DDR No.1 dated 29.09.2024. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 24.01.2025.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He was not named in the FIR. He was nominated in this case on the basis of disclosure statement of the co-accused- Balkaran Singh which cannot be considered to be admissible in evidence. There is nothing on record to link the petitioner with the co-accused. There are no specific allegations against him. His custodial interrogation is not required. The subject offences are not made out against him. He is ready to join investigation. No recovery is



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to be effected from him. Therefore, it is urged that the present petition deserves to be allowed.

Notice of motion.

Learned State counsel who has appeared on advance notice of the present petition, seeks time to status report.

Adjourned to 07.03.2025.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023”

3. Status report dated 06.03.2025 filed on behalf of learned State counsel is taken on record.

4. Learned State counsel has submitted that though the petitioner has joined the investigation on 22.02.2025, however, he has not co-operated with the investigating agency and no part of collected money and forged lottery tickets had been recovered by him. 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 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.

4. In view of this position of law, the petitioner cannot be denied bail only because of the fact that the disputed money has not been recovered by him. In my considered opinion, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and order dated 17.02.2025 granting interim bail to the petitioner is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

07.03.2025

Jyoti-IV

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