

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-10249-2015
Date of decision:24.9.2015

Rohit Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Harminder Singh, Advocate for the petitioner.
Mr. K.D.Sachdeva, Addl. A.G., Punjab.
Mr.Madan Gupta, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.167 dated 28.11.2014 registered under Sections 498-A and 406 of the Indian Penal Code at Police Station Division No.2, Pathankot.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that petitioner has joined the investigation and cooperated with the investigating agency. Whatsoever dowry articles were in his possession, the same have already been got recovered by the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submits that though the petitioner has joined the investigation but he did not get recovered the gold articles. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that in the given fact situation of the instant case, petitioner has been found entitled for pre-arrest bail. It is so said because there is no allegation against the petitioner that he has misused the concession of interim anticipatory bail, granted by this Court. He has joined the investigation and got recovered the dowry articles. In such a situation, custodial interrogation of the petitioner would not be required.

In view of the above and keeping the claim of the complainant to recover gold articles from the petitioner open, the instant petition is allowed. The order dated 31.3.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

24.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE