

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

CRM No. M-17314 of 2015

Date of decision:- August 03, 2015

Krishna Devi

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Akashdeep Singh, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

JASPAL SINGH, J. (Oral)

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Krishna Devi, seeking pre-arrest bail, feeling apprehension of her arrest, in case bearing FIR No. 176, dated 30.03.2015, under Sections 498-A, 406, 506 and 323 IPC, at Police Station Sadar Rohtak, District Rohtak.

2. At the very outset of the arguments, it has been submitted by learned State counsel, on instructions from ASI Balkar Singh that in compliance of order dated May 25, 2015, petitioner has already joined the investigation. However, it has been urged by him that certain dowry articles are yet to be recovered and as such, her custodial interrogation is necessary. On this ground, he has opposed

the instant bail petition.

3. Here, it would be pertinent to mention that husband of the complainant has already been arrested in this case and, if any, article is to be recovered, that can be recovered from him. On the simple allegation that certain dowry article is yet to be recovered from the present petitioner, she cannot be declined the concession of bail. Moreover, provisions contained in Sections 406/498-A IPC have not been enacted to get the alleged recovery of dowry articles effected. To fortify this observation, reference can be made to ***Jagdish Thakkar v. State of Delhi, 1993 Criminal Court Judgments 103, Uday Singh v. State of Haryana, 2001(1) RCR (Criminal) 354 (P&H)*** and ***Bhupinder Singh etc. v. State of Punjab, 2014(2) RCR (Criminal) 109 (P&H)***.

4. Keeping in view the totality of facts and circumstances of the case but without expressing anything on merits, petition is allowed and order dated May 25, 2015, is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

**(JASPAL SINGH)
JUDGE**

August 03, 2015
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