

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-2127 of 2015

DATE OF DECISION: 19.11.2015

Abhilasha Sharma

.....Petitioner

Versus

State of Haryana and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Deepender Singh, Advocate
for respondent No.4.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 (2) read with Section 482 Cr.P.C. for cancellation of bail granted to respondent No.4 by Additional Sessions Judge, Gurgaon in case FIR No. 795 dated 22.10.2014 registered under Sections 323/506/498-A IPC (Section 406/34 IPC added subsequently) at Police Station Gurgaon Sadar, District Gurgaon.

Learned counsel for the petitioner contends that bail has been granted to respondent No.4 but dowry articles have still not been recovered. Learned counsel further contends that State counsel also

raised an objection with regard to non-return of dowry articles but still respondent No.4 was allowed bail.

Learned counsel for respondent No.4 submits that there is no specific allegation in the FIR regarding entrustment of dowry articles and no offence is made out under Section 406 IPC.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR and other documents available on file.

A perusal of the allegations levelled in the FIR show that there is no allegation of entrustment of dowry articles and only the allegations with regard to harassment are there. Respondent No.4 has specifically stated in his statement made before the Police that he is ready to return the gold items, which are kept in the locker of the Bank.

Respondent No.4 is present in the Court today and submits that he is ready to return all articles belonging to complainant, which are kept in the locker. He also submits that the locker has not been operated since the date of registration of FIR.

Learned counsel for the petitioner submits that list of articles has already been submitted to the Investigating Officer, whereas, learned counsel for respondent No.4 submits that only some of the gold items have been kept in the locker and there is no allegation of entrustment of dowry articles in the complaint made by the petitioner.

Keeping in view the submissions made by respondent No.4 that he is ready to return the gold articles kept in the locker, the Investigating Officer of the case is directed to accompany the parties and to open the locker in their presence as per date convenient to respondent No.4. The investigating Officer is also directed to return the gold articles to complainant, which are kept in the locker of respondent No.4 against

proper receipt as per list already supplied.

In view of what has been discussed, the petition for
cancellation of bail is dismissed.

November 19, 2015
pooja

(DAYA CHAUDHARY)
JUDGE