

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23363-2014 (O&M)

Date of decision: 24.07.2015

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Nakul Sharma, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

Mr. GS Saini, Advocate for the complainant.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 77 dated 03.07.2014 registered under Sections 323/498-A/120-B of the Indian Penal Code at Police Station Mallanwala, District Ferozepur.

When notice of motion in this case was issued on 15.07.2014, the contention raised for the petitioner was that he is ready for amicable settlement of the dispute. Thereafter, the matter was sent to Mediation and Conciliation Centre of this Court but the same has been failed. The petitioner appeared before the Mediation and Conciliation Centre of this Court on certain dates but the complainant appeared before the Mediator only on two dates.

On 30.04.2015, following order was passed by this Court:-

“On instructions from ASI Surjit Singh, learned State counsel submits that still the car which was the part of dowry article has to be recovered from the petitioner.

For that purpose, last opportunity is granted to the petitioner to fully co-operate with the investigation and further he is directed to appear before the Investigating Officer on 12.05.2015 from 11.00 a.m. to 1.00 p.m. Recovery, if any, made at the instance of petitioner shall be admissible under Section 27 of the Evidence Act. He is also directed to keep on joining the investigation as and when required.

List on 24.07.2015.

Interim order to continue.

In case, the petitioner fails to appear before the Investigating Officer as stipulated above, the interim bail granted to him shall automatically stand dismissed.”

On instructions from ASI Balwinder Singh, learned State counsel submits that petitioner has joined the investigation but recovery of vehicle as well as gold articles has still to be made from the petitioner.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioner is made absolute and the petitioner shall abide by

the conditions as enshrined in Section 438 (2) Cr.P.C.

With regard to recovery of gold articles, the petitioner shall keep on co-operating with the investigation and also supply the document with regard to sale of car as the same is stated to have been sold in the year 2009.

July 24, 2015
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(R.P. NAGRATH)
JUDGE