

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-27600 of 2015 (O&M)

Date of decision: December 23, 2015

Hany Vig

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Bajaj, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr.C.M.Munjial, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.59 dated 02.06.2015
under Sections 406, 498-A and 323 IPC registered at Police Station
Women Cell, District Ludhiana.

Notice of motion was issued and learned State counsel as
well as learned counsel for respondent No.2 appeared and contested
the petition.

I have heard learned counsel for the parties as well as
learned State counsel and have gone through the record.

From the record, I find that the petitioner is husband of
respondent No.2 and it is a matrimonial dispute. It is stated that gold
ornaments etc. have not been recovered so far from the petitioner,
whereas, learned counsel for the petitioner argued that firstly on

29.12.2010, the respondent left the house and she operated the locker on 30.12.2010. The present petitioner immediately reported the matter to the police and also filed the application to the Bank to freeze the locker and thereafter, no one operated the locker.

Learned counsel for the petitioner further argued that a compromise was also effected between the parties but that compromise has not been acted upon. He next argued that no dowry articles are lying with the petitioner. Whatever dowry articles were there, those have been handed over to respondent No.2.

At this stage, it is a disputed fact as to whether the dowry articles are with the petitioner or respondent No.2, which fact is to be determined by the trial on the basis of the evidence. The petitioner was granted interim bail by this Court on 19.08.2015. There is nothing on record to show that the petitioner ever misused the concession of interim bail.

The petitioner has already joined the investigation. The petitioner is not required for any investigation or interrogation purposes. The trial of the case will take long time. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case, I find it a fit case where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is allowed. The order dated 19.08.2015 granting interim bail to the petitioner is made absolute.

December 23, 2015

Vgulati

**(INDERJIT SINGH)
JUDGE**