

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

CRM-M-29367-2014
Date of decision:5.5.2015

Robin Masih

...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.K.S.Kahlon, Advocate for the petitioner.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

Mr.S.S.Rana, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.52 dated 11.7.2014 registered under Sections 498-A, 406 and 506 IPC at Police Station Ghuman Kalan, District Gurdaspur.

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

Learned counsel for the petitioner submits that in compliance of the order dated 11.9.2014 passed by this Court, petitioner has joined the investigation and he is no more required for the purpose of any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Satnam Singh, Police Station, Ghuman Kalan, submits that though petitioner has joined the investigation but the gold ornaments are yet to be recovered. However, only the recovery of household articles were effected from the petitioner.

Similarly learned counsel for the complainant-wife submits that petitioner being the husband is the main accused. All the gold ornaments including the gold ring are yet to be recovered from the petitioner, because of which, he is not entitled for pre-arrest bail.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since during the investigation, in-laws' of the complainant-wife have been found innocent by the investigating agency, the gold ornaments, which were allegedly entrusted to the mother-in-law and father-in-law, cannot be sought to be recovered from the husband. So far as the household articles are concerned, the same have been recovered from the petitioner.

Without commenting any further, lest it should prejudice the rights of either of the parties, instant petition is allowed. The order dated 11.9.2014 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

5.5.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE