

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31461 of 2015

.....

Date of decision:4.12.2015

Deepak Kumar alias Deepak Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

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

Mr. Lakhwinder Singh Mann, Advocate for the complainant-
respondent No.2.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.75 dated 4.6.2015 registered
for the offences under Sections 498-A, 406 and 34 IPC at Police Station
Division No.2, Pathankot, District Gurdaspur (now District Pathankot).

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and Mr.
Lakhwinder Singh Mann, learned Advocate has appeared on behalf of
complainant-respondent No.2 and contested this petition.

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

From the record, I find that the FIR in the present case has been got registered on the application of respondent No.2-Harjit Kaur alleging misappropriation of dowry articles and harassment etc. The present petitioner is husband of the complainant and is serving in the Army.

The petitioner has already joined the investigation. He is on interim bail. He has not misused the concession of interim bail. Learned State counsel states that gold ornaments are still to be recovered, whereas learned counsel for the petitioner states that complainant-respondent No.2 while leaving the house had taken gold ornaments including the ornaments given by the petitioner. This fact is to be decided by the trial Court on the basis of evidence. At this stage, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 16.9.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 4, 2015.

(Inderjit Singh)
Judge

hsp