

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 254

Criminal Miscellaneous No.M-33132 of 2014 (O & M)

Date of Decision: *March 10, 2015*

Harjinder Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. H.S. Bath, Advocate, for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab,
assisted by Mr. Jaspreet Singh Brar, Advocate, for the
complainant.

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Jaspal Singh, J

1. This petition has been preferred under Section 438 Cr.P.C.

for grant of pre-arrest bail moved by petitioner Harjinder Singh feeling
apprehension of his arrest in case FIR No.175 dated August 3, 2014
under Sections 406, 498-A, 120-B IPC, registered at Police Station,
Bhikhiwind, District Tarn Taran.

2. The instant case has been registered at the instance of wife of the petitioner unfolding the allegations that her marriage was solemnized with petitioner on December 16, 2011. Out of their wedlock, one daughter was born on February 7, 2013. At the time of marriage, sufficient dowry was given including various articles of gold jewelry to the petitioner as well as other family members.

3. Here it would be pertinent to mention that this petition was taken up for hearing on September 24, 2014 and following order was passed:-

“Learned counsel, inter alia, contended that although petitioner is not at fault but still he is ready to resume cohabitation and amicably settle the matter. In case of failure of amicable settlement, he is prepared to return all the dowry articles/gold ornaments.

Heard.

Notice of motion be issued to the Advocate General, Punjab as well as to the complainant, returnable for 10.10.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of ₹ 25,000/- to his satisfaction.”

4. The matter was taken up before Mediation & Conciliation Center of this Court but no fruitful result could be achieved. Though, petitioner had joined the investigation but no dowry article or gold ornaments have been got recovered from the petitioner or returned by the petitioner to the complainant. So, in such circumstances, mere joining of investigation before the investigating officer is meaningless,

rather, it can be said that the petitioner has failed to honour interim order dated September 24, 2014. In the given circumstances, custodial interrogation of the petitioner is required for recovery of the dowry articles including gold ornaments. This Court is of the considered view that in his absence, investigation of this case is likely to be stultified.

5. No case for exercise of discretion under Section 438 Cr.P.C. Accordingly, the petition is dismissed.

March 10, 2015
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(Jaspal Singh)
Judge