

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.35748 of 2015 (O&M)
Date of Decision: 17.12.2015**

Namita Chaudhary

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gaurav Mohunta, Advocate for the petitioner.

Mr. Rajiv Doon, Assistant Advocate General, Haryana
for the respondent/State assisted by S.I. Amar Singh.

Mr. Subhash Godara, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Prayer on behalf of petitioner/accused, who is the mother-in-law of Smriti Sindhu, daughter of the complainant-Jaideep Sindhu, is for grant of anticipatory bail in case FIR No.329 dated 28.04.2015, under Sections 498-A, 406, 323, 34 of the Indian Penal Code, registered with Police Station Civil Lines, Hisar (**Annexure P-1**).

It is a matter of record that during the investigations, the petitioner-Namita Chaudhary and her accused husband-Ashok Kumar Kajla were initially found innocent and after arrest of Jai Chaudhary (husband of Smriti Sindhu and son of the petitioner), challan was filed against Jai Chaudhary only.

It was thus contended that after the investigations were over, recovery of dowry articles effected at the time of arrest of Jai Chaudhary and challan presented, yet again the police after change of DSP with a *mala fide* intention started further investigation without seeking the permission of the

Court.

In pursuance to such further investigation, the petitioner apprehending threat of arrest is seeking pre-arrest bail. She is stated to be 55 years of age and an official of the Central Excise and Taxation Department at Rajasthan.

To explore the possibility of an amicable settlement, interim protection was granted to the petitioner and the parties were summoned.

During the course of previous hearing, a sum of Rs.35 Lacs was offered from the side of the husband towards full and final settlement, which has not been accepted by the complainant party.

Learned Counsel for the petitioner/accused has reiterated his earlier arguments while submitting that no further recovery is to be effected from the petitioner as her son-Jai Chaudhary and his wife-Smriti Sindhu were already staying separately and the recovery of dowry articles has already been effected at the time of arrest of Jai Chaudhary.

Learned State Counsel, assisted by S.I. Amar Singh and learned Counsel for the complainant, submit that recovery of dowry articles are still to be effected apart from their being specific allegations against the petitioner/mother-in-law.

Without commenting on the merits of the case, keeping in view the fact that the Prosecution Agency cannot serve as a recovery agent and the fact that most of the recovery was effected at the time of arrest of the husband, interim pre-arrest bail granted by this Court, vide order dated 16.10.2015, is made absolute.

Disposed of.

December 17, 2015

Gagan

**(JASWANT SINGH)
JUDGE**