

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

CRM-M-44537 of 2014

Date of Decision: December 23, 2015

Harpreet Walia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Manuj Nagrath , Advocate
for the petitioner.

Mr. C.S. Brar,DAG, Punjab.

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

FATEH DEEP SINGH, J.

Allegations against the petitioner-Harpreet Walia in this anticipatory bail application are that upon marriage between the petitioner and the complainant-Harjit Kaur on 08.05.2011 at Ludhiana, out of which a male child was born on 16.3.2012 and, thereafter, parties entered into a matrimonial dispute and on the complaint of the wife the present case has been registered on the allegations that the accused-petitioner along with his parents have usurped the *Istri Dhan* and have tortured the complainant-wife.

The contentions of the petitioner's counsel that earlier the petitioner was allowed bail by the Court of learned Additional Sessions Judge, Ludhiana vide orders dated 10.07.2014 under Sections 498-A and 323 IPC and that on the orders the petitioner has since joined the investigations and subsequently offence under Section 406 IPC has been added which has led to dismissal of this bail has not

been disputed by the State. As has been argued on behalf of the petitioner this Court vide orders dated 5.1.2015 had allowed interim bail to the petitioner on joining investigations. Further, it is vehemently contended on behalf of the State counsel assisted by counsel for the complainant that petitioner has not co-operated in the investigations as he has failed to get recovered the dowry articles and in pursuance of order of this Court dated 12.2.2015 the police on the orders had conducted search on the residential premises of the petitioner in the presence of the complainant and nothing material has been recovered.

Keeping in view that the petitioner had repeatedly joined investigations and that inspite of search nothing could be recovered and thus there is sufficient cooperation extended by the petitioner in the investigations. Having regard to the contentions of the counsel for the petitioner that there is neither any allegations of specific entrustment of articles of Istri Dhan much less their breach of trust.

Keeping in view the same, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(FATEH DEEP SINGH)
JUDGE

December 23, 2015
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