

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-4456 of 2015
Date of Decision : 28.5.2015

Harjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. H.S. Baath, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.
Mr. A.P. Kaushal, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks pre-arrest bail in FIR No.152 dated 17.11.2014 under Sections 498-A/406 IPC, registered at Police Station Bassi Pathana, Distt. Fatehgarh Sahib.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the orders passed by this court, petitioner has joined the investigation and cooperated with the investigating agency. He offered the gold articles for handing over the same to the complainant, but the complainant in the presence of the investigating officer, refused to accept the same, saying that the gold articles which were being offered by the petitioner were not the same, which were entrusted at the time of marriage. Learned counsel for the petitioner

further submits that the petitioner shall face the criminal trial, but in view of the above said circumstances, he is entitled for the concession of anticipatory bail.

On the other hand, learned counsel for the State, on instructions from S.I. Darshan Lal, Police Station Bassi Pathana, Distt. Fatehgarh Sahib, submits that although the petitioner has joined the investigation and offered the gold articles, as submitted by learned counsel for the petitioner, but the recovery thereof could not be effected, because the complainant refused to accept the same, saying that the gold articles were not the same, which were entrusted at the time of marriage. He further submits that except for the gold articles, petitioner is not required for the purpose of any further investigation.

However, learned counsel for the complainant vehemently opposes the present petition saying that the petitioner has intentionally not produced the genuine gold articles, which were entrusted at the time of marriage, because of which he is not entitled for the anticipatory bail. He prays for dismissal of the petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said, because in compliance of the orders passed by this court, petitioner has joined the investigation and got recovered other dowry articles. So far as the gold articles were concerned, he offered the same, but the complainant refused to accept on the ground that the gold articles offered by the petitioner were not the same, which were entrusted at the time of marriage. The petitioner has shown his bonafide regarding getting the recovery of gold articles effected.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, order dated 11.2.2015 passed by this court is hereby made absolute, however, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of, accordingly.

28.5.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE