

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

CRM-M-8702-2015

Date of decision: 25.05.2015

Vivek

... Petitioner

Vs.

UT of Chandigarh and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. J.S. Toor, Advocate for UT, Chandigarh.

Mr. Jagdish Marwaha, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.46 dated 30.01.2015 under Sections 406, 498-A IPC, registered at Police Station Sector-34, Chandigarh.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order dated 05.05.2015 passed by this Court, petitioner has again joined the investigation and got the recovery effected. In addition to that, he has brought an amount of Rs.3.50 lacs by way of cheque bearing No.940136 dated 05.05.2015, which he has handed over to learned counsel for the complainant-respondent No.2 and the same has been accepted by respondent No.2. He submits that in this view of the matter, let the order dated 18.03.2015 passed by this Court may be confirmed, leaving the scope of an amicable settlement between the parties open.

On the other hand, learned counsel for the complainant submits that many more dowry articles are yet to be recovered from the petitioner. He opposes the present petition on the ground that the petitioner has not got recovered all the dowry articles. Similarly, learned counsel for the State (UT, Chandigarh) submits that although petitioner has joined the investigation but all the dowry articles were not got recovered by him. He also prays for dismissal of the present petition.

Having heard the 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 case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because petitioner has shown his bonafide by joining the investigation and getting recovered dowry articles. Further, the amount of Rs.3.50 lacs by way of cheque bearing No.940136 dated 05.05.2015 has been handed over to learned counsel for the complainant-respondent No.2 in the Court today, which has been accepted by him.

In view of the above and without commenting anything further, lest it should prejudice the rights of either of the parties as well as leaving the scope of an amicable settlement open, order dated 18.03.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

25.05.2015
vishnu