

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-8996-2015
Date of decision:14.05.2015**

Kuljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.O.S.Batalvi, Advoate for the petitioner.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

Mr.A.S.Khinda, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.49 dated 6.2.2015 registered under Sections 498-A, 406, 506 and 34 of the Indian Penal Code at Police Station City Tarn Taran.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order dated 20.3.2015 passed by this Court, petitioner has joined the investigation. He further submits that in spite of the fact that no dowry article was mentioned in the impugned FIR, still whatever dowry articles were in the possession of the petitioner have been returned. So far as gold articles are concerned, he has clarified this aspect in his petition under Section 9 of the Hindu Marriage Act, 1955 that the complainant wife has taken away all the gold articles with her. He concluded by submitting that since nothing more is to be recovered from the petitioner, he is entitled for the anticipatory bail. He prays for allowing the present petition.

Faced with the above, learned counsel for the State could not deny the factual aspect of the statement made by the learned counsel for the

petitioner and rightly so, because it was a matter of record.

However, learned counsel for the complainant vehemently argued that numerous gold articles are yet to be recovered from the petitioners. He further submits that since the petitioner is serving in the police department as Constable, the investigating agency was hands in glove with the petitioner. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of 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 spite of the fact that the complainant did not mention any dowry article in her statement suffered at the time of lodging the FIR, the petitioner has returned numerous dowry articles including the car. Regarding gold articles, he has made clear in his petition under Section 9 of the Hindu Marriage Act that while leaving the matrimonial home, the complainant-wife has taken away all the gold articles. In this view of the matter, nothing more is to be recovered from the petitioner, because of which he is not required for the purpose of any further investigation.

Without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, the present petition is allowed. The order dated 20.3.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

14.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE