

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

Crl. Misc. M 25541 of 2015 (O&M)

Date of decision: 17.10.2016

Gandeep Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashok Gupta, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Sunny K. Singla, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed seeking for pre-arrest bail to the petitioners in FIR No. 31 dated 23.5.2015 under Sections 406 and 498-A IPC registered at Police Women Cell, Patiala.

The petitioner No.1 solemnized his marriage with Smt. Harmeet Kaur on 17.4.2011. On account of various differences, a dispute arose between the parties, which led to filing of the above mentioned FIR. The petitioners approached this Court seeking pre-arrest bail. During the course of the proceedings, the complainant put in appearance through her counsel.

By order dated 2nd September, 2015, ASI Didar Singh was directed to open the locker No. BB00023 in Punjab National Bank at Mamoon Cantt. Branch, Pathankot, which was in the names of petitioner No.1 and the complainant and on opening the said locker, the ASI was directed to prepare an inventory of the articles lying therein. The ASI reported that no articles were found in the said locker. The matter was also referred to mediation which failed.

Learned counsel for the petitioners submits that the only person who had an access to the locker was the complainant herself as can be reflected from the record of the bank and, in fact, the entire jewellery is in possession of the complainant herself and rest of the dowry articles received have been handed over to the Investigating Officer. The complainant denies the fact that she is in possession of any jewellery.

The petitioners were granted interim protection by this Court by order dated 20th November, 2015 and they have joined the investigation and some of the dowry articles have already been handed over to the Investigating Officer.

Without going into the rival contentions of the parties with regard to the recovery of jewellery articles and without forming any opinion as to which party is in possession of those articles, since the petitioners have already joined the investigation, this petition for pre-arrest is allowed. The petitioners shall continue to join the investigation as and when required to do so and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer

subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

17.10.2016

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No