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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42368-2015(O&M)
Date of Decision :15.12.2016

Nitin Dhand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. B.S.Bhalla, Advocate, for the petitioner.

Mr. J.S. Brar, Assistant Advocate General, Punjab

Mr. Manoj, Advocate for
Mr. Ashok K. Arora, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

The allegations against the petitioner-Nitin Dhand in this anticipatory bail under Section 438 of Cr.P.C are that as a consequence of marriage between the petitioner and complainant-Shivani which took place on 29.08.2010 and on account of matrimonial dispute the wife has levelled allegations of harassment, cruelty as well as criminal breach of trust qua her dowry articles/istri dhan.

The contentions of the learned counsel for the petitioner are that after five years of the marriage the prosecution has been launched and that at this juncture it is out of place to recover anything and the petitioner is ready and willing to join the investigations. Though on behalf of the State assisted by the complainant's counsel the bail is sought to be stoutly opposed.

However, keeping in view the stand of the State counsel on instructions of ASI Harjinder Pal Singh, Police Station Women PS, District

Amritsar City that the petitioner has since joined investigations and all the articles have been recovered except gold articles.

Since the petitioner has already joined investigations and thus no case for further interrogation is made out and in view of the yawning gap between the marriage and the registration of the case impels this Court to allow the instant bail subject to the terms and conditions laid down under Section 438 Cr.P.C.

In view of this, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 15, 2016

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No