

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43002-2015

Date of Decision:- 20.12.2016

Deepak Garg

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Ms. Payal Mehta, Advocate
for the petitioner.**

Mr. D. R. Singla, AAG, Haryana.

**Mr. Vikas Mohan Gupta, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Petitioner has filed the present petition against order dated 08.12.2015 (Annexure P-1), passed by learned Additional Sessions Judge, Hisar whereby regular bail granted to him, vide order dated 16.12.2014, has been set aside.

Vide order dated 16.12.2014 (Annexure P-6), while granting regular bail to the petitioner it has been observed by the Court of learned JMIC, Hansi that vide recovery memo all the dowry articles have since been recovered from the accused and the said recovery memo was taken on record.

Learned counsel for the petitioner has referred to recovery memo dated 14.08.2014 (Annexure P-5) vide which all the dowry articles including gold ornaments, silver and one diamond nose pin have been recovered from the petitioner. Moreover, now after a gap of almost seven months, the trial Court while recording the prosecution witnesses, has passed the impugned order only on the ground that the order of regular bail granted to the petitioner was not within the knowledge of complainant.

Learned State counsel, on instructions from ASI Dharampal, has informed that this recovery memo is part of the judicial official record and all the dowry articles have been recovered from the petitioner when regular bail was granted to him, vide order dated 16.12.2014 (Annexure P-6).

After hearing learned counsel for the parties and keeping in view the fact that vide recovery memo dated 14.08.2014 (Annexure P-5) all the dowry articles have since been recovered from the petitioner, the present petition is hereby allowed and accordingly, impugned order dated 08.12.2015 (Annexure P-1), passed by learned Additional Sessions Judge, Hisar, is hereby set aside.

December 20, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No