

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

CRR-335-2016

Date of decision: 06.12.2016

Avtar Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manbir Singh Batth, Advocate,
for the petitioner

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ritu Bahri, J.

Challenge in this petition is to the order dated 03.09.2015 (Annexure P-5) passed by the Sessions Judge, Ferozepur, whereby application filed by the petitioner for release of dowry articles on sapurdari has been dismissed.

As per the report of Officer Incharge, Police Station, Lakho Ke Behram, one motorcycle make Honda CD Deluxe, one washing machine, one cooler, one fridge and one almirah were taken into possession by the police and were lying in the *Malkhana*.

The bills of the above said articles were in the name of Jaspal Singh, who is one of the accused. This was the main ground for rejecting the application of the petitioner.

Learned counsel for the petitioner has placed on record copy of the bill dated 05.12.2013 (Annexure P-3, colly.) with regard to purchase of one refrigerator (Kelvinator), one TV (Intex) and one cooler (Omni). This bill was issued in the name of Baljinder Kaur.

This bill is not being disputed by learned State counsel.

Learned State counsel has also brought photocopy of original bill with regard to purchase of aforesaid motorcycle. As per original bill dated 19.12.2013, the said motorcycle had been purchased after the marriage, which was solemnized on 13.12.2013.

Till date, none of the accused have claimed sapurdari qua all these dowry articles.

Learned counsel for the petitioner has further informed the Court that during trial one Navinder Singh, Member Panchayat, was examined as DW-2, who in his cross-examination, has admitted that a motorcycle was given as gift at the time of marriage of daughter of the petitioner. This fact is evident from the certified copy of statement dated 25.05.2016 made by DW-2, wherein he has stated that one motorcycle, one cooler and almirah were given at the time of marriage.

Keeping in view the above fact, the impugned order dated 03.09.2015 (Annexure P-5) is set aside and the aforesaid dowry articles are ordered to be released on sapurdari in favour of the petitioner on his furnishing sapurdari bonds to the satisfaction of the trial Court.

Petition stands allowed accordingly.

06.12.2016
ajp

(RITU BAHRI)
JUDGE

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