

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

**CRM No.M-10867 of 2016
Decided on: 25.05.2017**

Gurjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Petitioner in person
with Mr. Rishu Mahajan, Advocate.

Mr. Ankur Jain, AAG, Punjab.

Complainant in person
with Mr. R.S. Bajaj, Advocate.

REKHA MITTAL, J. (Oral)

Counsel for the petitioner has submitted that the petitioner has already joined investigation in compliance with interim bail granted by this Court and is ready to face the proceedings, in accordance with law. It is further submitted that the complainant was earlier married with Rohit resident of Kailash Nagar, Gali No.2, Ludhiana but without dissolution of said marriage, she performed marriage with the petitioner by concealing the factum of her earlier marriage. It is further submitted that as per information of the petitioner, the complainant also performed marriage with one Monu resident of Oon Road, Punjabi Bagh, Jalandhar but in the proceedings under the Domestic Violence Act pending in the Court at Jalandhar, she has stated that there was engagement for marriage with Monu but the marriage was not performed.

It is vehemently argued that as marriage of the complainant

with the petitioner was definitely second marriage, there was no question of giving any dowry. Further argued that most of the articles claimed by the complainant have already been recovered and non-recovery of the dowry articles cannot constitute a good ground for denying benefit of pre-arrest bail. In this context, reference has been made to judgment of this Court “**Pritpal Singh vs State of Punjab and another**”, 2014(5) RCR (Criminal) 771.

Counsel for the State as well as complainant would urge that as recovery of two sets of gold weighing approximately 40 gms. is yet to be effected, the petitioner is not entitled to pre-arrest bail. It is further submitted by counsel for the complainant that the petitioner was well aware of the previous marriage of the complainant and even admitted the factum that the said marriage has resulted in divorce, in statement recorded by the police during investigation.

I have heard counsel for the parties, perused the paperbook and the police records.

The petitioner has already joined investigation in pursuance of interim directions issued by this Court. Most of the articles have already been recovered. The petitioner is ready to settle the dispute on payment of some money and the respondent also agreed with the same but they could not arrive at a consensus with regard to amount claimed by the complainant. The petitioner is ready to face the proceedings, in accordance with law. In “**Jagdish Thakkar vs State of Delhi**”, 1992(3) CCR 2764, Delhi High Court, as noticed in para 9 of the judgment in **Pritpal Singh’s case (supra)** has held that in a case under Sections 406 and 498-A IPC, the anticipatory bail cannot be

denied only on the ground that jewellery and the dowry articles were not recovered. It has further been held that the proceedings under Sections 406 and 498-A IPC, are not meant for the recovery of the jewellery and the dowry articles. The wife (complainant) if so chooses can move the Civil Court for the recovery of the said articles.

In view of the above, the petition is allowed and interim bail granted to the petitioner is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

25.05.2017
yakub

(REKHA MITTAL)
JUDGE

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