

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

CRM-M-15085-2017 (O&M)
Date of decision : 08.09.2017

Bhupinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. G.K. Mann, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by HC Saroop Singh.

Mr. Amandeep Singh, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.18 dated 12.03.2017, registered under Sections 498-A and 406 of the Indian penal Code (for short, 'the IPC'), at P.S. Valtaha, Distt. Tarn Taran.

It is contended that only vague and general allegations have been levelled against the petitioner. The complainant herself left the matrimonial home and the petitioner is still ready and willing to keep her. The petitioner has joined the investigation in terms of the orders passed by this Court and the recovery stands effected. An amount of Rupees twenty thousand, in cash, as costs of litigation has also been paid by the petitioner to the complainant in the Court in terms of order dated 01.05.2017, passed by this Court.

On the other hand, learned State counsel, on instructions,

submits that though the petitioner has joined the investigation, but the recovery of gold ornaments weighing about 05 tolas and a motorcycle, is yet to be effected.

Learned counsel for the complainant submits that there are specific allegations against the petitioner and that the recovery of the dowry articles is still to be effected.

Heard.

On 01.05.2017, the following order was passed:-

“Learned counsel for the petitioner states that the dispute can be resolved amicably, if the matter is referred to the Mediation and Conciliation Centre of this Court.

Notice of motion.

At this stage, Mr. Amandeep Singh, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance in Court today.

Adjourned to 25.05.2017.

On the next date of hearing, the petitioner is directed to make payment of ` 20,000/- to the complainant towards litigation expenses.

Parties are directed to remain present in Court on the next date of hearing.

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.

1. Petitioner shall make himself available for interrogation by a police officer as and when

required;

2. Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

3. Petitioner shall not leave India without the previous permission of the Court;

4. Such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that Section.”

In *Rajesh Sharma and others Vs. State of U.P. and another, Criminal Appeal No.1265 of 2017, decided on 27.07.2017*, Hon'ble the Supreme Court has observed that *“Recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of wife/minor children can otherwise be protected. Needless to say that in dealing with bail matter, individual roles, prima facie truth of the allegations, requirement of further arrest/custody and interest of justice must be carefully weighed.”*

The petitioner has repeatedly joined the investigation in pursuance of the orders passed by this Court. There is no material on record to suggest that the maintenance or other rights of the complainant-wife cannot be otherwise protected.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate

concerned.

The petition stands allowed.

08.09.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No