

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

CRM No. M-22311 of 2017.

Date of Decision: 26.09.2017.

Darshan Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Jatinderpal Singh, Advocate,
for the petitioners.

Mr. AS Gill, Sr. DAG Punjab
assisted by ASI Jagdev Singh.

Mr. Achin Gupta, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in case FIR No. 28 dated 30.05.2017
registered under Sections 498-A and 406 IPC at Police Station Women,
Bathinda.

On 19.06.2017 this Court had passed the following
order:-

“Heard.

Learned counsel for the petitioner submits that the son of the
petitioner had third marriage with the complainant who was
also earlier married and divorced. It was a simple marriage but
due to matrimonial discord, present FIR was got registered
implicating the petitioners and entrustment of few gold
articles have been attributed to them.

Notice of motion for 9.8.2017.

In the meanwhile, the petitioners are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them. ”

It is contended that in pursuance of the order dated 19.06.2017, the petitioners have joined the investigation.

Learned State counsel, on instructions, states that the petitioners have joined the investigation and they are not required for custodial interrogation.

However, learned counsel for the complainant states that recovery of all dowry articles has not been carried out.

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.”

There is no material on record to suggest that the

maintenance or other rights of the complainant-wife cannot be otherwise protected. Considering the fact that the petitioners have joined the investigation and the challan already stands presented, the order dated 19.06.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioners to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

26.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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