

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

CRM-M-25130-2016

Date of decision: 6.3.2017

Rajesh Kumar Gondi

....Petitioner

VERSUS

State of U.T. Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sudesh K. Khurcha, Advocate for the petitioner.

Mr. A.S. Gill, APP, U.T. Chandigarh.

Mr. Pradeep Sharma, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.57 dated 01.07.2016 for offence punishable under Sections 498-A, 406 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Women, Sector 17 Chandigarh.

Counsel for the petitioner would submit that the petitioner has already joined investigation in compliance with interim bail granted by this Court vide order dated 26.07.2016 and is ready to face the proceedings, in accordance with law, without any default. It is further submitted that whatever articles of complainant were in possession of the petitioner, the same have been recovered by the police. It is further submitted that the petitioner is ready to pay a reasonable amount to compensate the complainant with regard to her claim qua remaining articles, though the same are not in possession of the petitioner.

Demand draft of Rs.7,500/- towards litigation expenses has been handed over by counsel for the petitioner to counsel for the complainant.

Counsel representing U.T. Chandigarh assisted by Sh. Pradeep Sharma, Advocate, counsel for the complainant would submit

that as per list submitted by the complainant, there were many articles belonging to the complainant which need to be recovered. It is further submitted that till date only eight items have been recovered from the petitioner and for the purpose of making remaining recovery custodial interrogation is required.

I have heard counsel for the parties, perused the paper-book and copy of the list of alleged articles of dowry made available during the course of hearing.

There is a serious dispute between the parties with regard to the petitioner being in possession of the articles which remain to be recovered out of the list. However, perusal of the said list would reveal that most of these articles are clothes, beddings, articles used in the house like T.V., Fridge, Air Conditioner, Washing Machine, Furniture etc. Admittedly, the petitioner has got effected recovery of eight items out of the list. At this stage, it is difficult to ascertain the correctness or otherwise of the allegations and counter-allegations of the parties.

In view of the above, the petition stands disposed of. Interim bail granted to the petitioner vide order dated 26.07.2016 is made absolute subject to the following conditions:-

- (i) he shall make himself available for interrogation by a police officer as and when required;
- (ii) he 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;
- (iii) he shall not leave India without the previous permission of the Court.
- (iv) he shall deposit an amount of Rs.1,00,000/- by way of demand draft in the name of the complainant within a period of 10 days with the Investigating Officer of the case and the same shall be handed over to the complainant subject to outcome of the litigation.

Failure of the petitioner to comply with the direction with regard to making payment by way of demand draft within the stipulated period would entail automatic dismissal of the petition for pre-arrest bail.

MARCH 6, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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