

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

Crl. Misc. M-26525 of 2016 (O&M)
Date of Decision: September 22, 2017

Bhim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Hooda, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Sanjay Vashisht, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No.57 dated 12.02.2016, under Sections 323, 498-A, 406, 506 of the Indian Penal Code, registered at Police Station Urban Estate Rohtak, District Rohtak.

During the pendency of the instant petition, an effort has been made to get the matter resolved, but the same remained unsuccessful.

Counsel for the respondent-State, on instructions, had mentioned that the car and most of the dowry articles had been returned, but the complainant refused to accept the same. It was contended by the

complainant that the car was in a dilapidated condition. This court asked the State to file an affidavit, while mentioning the list of the dowry articles that had been returned as well as the condition of the car.

An affidavit has been filed today and the same is taken on record. A perusal of the affidavit and Annexure R-1 would reflect that substantial recovery has been made.

Counsel for the complainant, however, submits that most of the gold articles have yet to be recovered.

It is well settled that in proceedings for anticipatory bail, the same cannot be used as a mode of recovery in the cases relating to offences under Sections 498-A, 406 of Indian Penal Code. The memo of articles shows that more than substantial recovery has been made inclusive of one car. In view of this fact, without commenting on the merits of the case, the petition is allowed and order dated 04.08.2016 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

At this stage, counsel for the complainant submits that the car was purchased as a dowry article and stands registered in the name of the petitioner.

Counsel for the petitioner very fairly contends that the petitioner will make all the necessary efforts to get the car re-transferred into the name of the complainant or to the name of any other person of the choice of the complainant.

Under these circumstances, the petitioner is directed to make

the necessary efforts in getting the car re-transferred into the name of the complainant or to the name of any other person of the choice of the complainant within a period of four weeks.

The petition stands allowed with the aforesaid directions.

However, liberty is given to the complainant to move for cancellation of bail in case, the petitioner fails to cooperate with the complainant in getting the car re-transferred, which stands reflected in his name.

September 22, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No