

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

CRM-M-27560-2017 (O&M)
Date of decision : 03.10.2017

Ketan Bhalla

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. H.S. Grewal, Addl.AG, Punjab,
assisted by ASI Harish Kumar.

Mr. Deepak Arora, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.26 dated 08.05.2017, registered under Sections 406 and 498-A of the Indian Penal Code, at Police Station Women Cell, District Jalandhar.

On 08.08.2017, the following order was passed:-

“Notice of motion returnable on 03.10.2017.

In the event of arrest, petitioner shall be released on ad interim anticipatory bail in FIR No.26 dated 08.05.2017, registered under Sections 406, 498-A of Indian Penal Code, 1860, at Police Station Women Cell, District Jalandhar, on furnishing of his bail bonds amounting to ₹10,000/- with one surety of like amount to the satisfaction of the arresting officer. Petitioner is directed to join the investigation as and when required and fully cooperate with the Investigating/Arresting Officer.

At this stage, Mr. Sandeep Arora, Advocate appears for the complainant.

Complainant to file affidavit/reply. Learned counsel for the petitioner to take instructions as to the return of documents and articles.”

It is contended that the complainant-respondent No.2 herself left the matrimonial home on 15.02.2017. The petitioner has joined the investigation in terms of the order passed by this Court.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

Affidavit of respondent No.2-wife in pursuance of order dated 08.08.2017, filed in the Court, is taken on record. The deponent has asserted that all the jewellery items and the academic certificates have not been yet recovered.

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 08.08.2017, 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.

03.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No