

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

CRM-M-34859-2016 (O&M)
Date of decision : 21.09.2017

Surjeet

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana,
assisted by ASI Ajaib Singh.

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.0288 dated 11.04.2016, registered under Sections 323, 406, 498-A, 506 and 120-B of the Indian penal Code (for short, 'the IPC'), at P.S. Sadar Karnal.

On 29.09.2016, the following order was passed:-

“Learned counsel submits that there are chances of amicable settlement between the parties and the couple separated on account of temperamental difference.

Subject to deposit of Rs.30,000/- before the Registry of this Court, notice be issued to the respondents, returnable by 01.12.2016.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as

envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;*
- ii. a condition that the person 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. a condition that the person shall not leave India without the previous permission of the Court*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”*

Thereafter, the matter was referred to the Mediation and Conciliation Centre of this Court, however, the mediation could not fructify.

Learned State counsel, on instructions, submits that though the petitioner has joined the investigation, but the recovery of certain dowry articles has not been effected.

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 petitioner has repeatedly joined the investigation in pursuance of the orders passed by this Court; he is not involved in any other FIR; and there is no apprehension of his fleeing from the process of the Court; without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 29.09.2016, 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.

21.09.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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