

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

CRM-M-36230-2016 (O&M)
Date of decision : 23.10.2017

Ajay Partap Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab,
assisted by ASI Ajaib Singh.

Mr. H.S. Mavi, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.27 dated 09.06.2016, registered under Sections 406 and 498-A of the Indian Penal Code, at Women Police Station, District Bathinda.

Heard.

On 18.10.2016, the following order was passed:-

“Notice of motion for 13.12.2016.

To be heard alongwith CRM-M-33556 of 2016 (Annexure P-6).

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.:

- 1. petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. petitioner 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;

3. petitioner shall not leave India without the previous permission of the Court;

4. such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”

Learned counsel for the petitioner contends that arrears of maintenance have been cleared. 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 but the recovery of dowry articles is yet to be effected.

Heard.

On 21.09.2017, it was stated that the petitioner is ready and willing to pay an amount of ₹30.00 lakh towards full and final settlement. On the statement so made, learned Senior counsel appearing on behalf of respondent No.2 sought time to consider the proposal and address arguments. Today, a date is being sought on the ground that the instructions are still incomplete.

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 08.10.2016, 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.

23.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No