

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

CRM No. M-36769 of 2016.

Date of Decision: 25.09.2017.

Gurpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mrs. Sushma Chopra, Advocate,
for the petitioner.

Mr. AS Gill, Sr. DAG Punjab
assisted by ASI Satnam Singh.

Mr. R.S. Jhand, Advocate for
Mr. R.S. Modi, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
the Cr.P.C seeking anticipatory bail in case FIR No. 66 dated
19.06.2015 registered under Sections 406 and 498-A read with Section
34 IPC at Police Station Women Ludhiana, District Ludhiana.

Learned counsel for the complainant has circulated a
list of dowry articles which is taken on record as Mark-A and has stated
that certain gold articles have not been recovered.

On 13.10.2016 this Court had passed the following
order:-

“Inter alia submits that the petitioner and respondent No.2 were
married on 25.11.2012 and the petitioner was working in Dubai.

The dispute arose inter se with the family members. The petitioner also filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 in January, 2014 (Annexure P/3).

A reference is made to the order dated 15.07.2015 (Annexure P/4) passed by Addl. Sessions Judge, Ludhiana, granting anticipatory bail to the mother of the petitioner wherein it has also been noticed that the recovery of 52 dowry articles including domestic as well as some gold ornaments had been done. It is submitted that the petitioner had come back from abroad and filed bail application in September, 2016, which has now been rejected.

It is accordingly, contended that there is no issue from the marriage and the matter can be amicably resolved either way by resorting to the process of mediation.

Notice of motion for 15.11.2016.

In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest, he shall be released on interim bail by the arresting officer, subject to the conditions laid down in Section 438 (2) Cr.P.C.

The petitioner and respondent No.2 shall also be present in the Court on the next date of hearing in order to ascertain that the matter can be referred to the Mediation and Conciliation Center of this Court.”

It is contended that in pursuance of the order dated 13.10.2016, the petitioner has joined the investigation.

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

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 joined the investigation and mediation has failed, the order dated 13.10.2016 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned subject to further condition that the petitioner shall not leave the country without prior permission of the trial Court.

The petition stands allowed.

25.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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