

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

CRM-M-44311-2016 (O&M)
Date of decision : 15.09.2017

Bharat Bhushan

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Jagdish Singh.

Mr. J.S. Dadwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.211 dated 16.10.2016, registered under Sections 498-A and 406 of the Indian penal Code (for short, 'the IPC'), at P.S. Phillaur, Distt. Jalandhar.

It is contended that the petitioner has joined the investigation and the recovery stands effected.

On the other hand, learned State counsel, on instructions, submits that though the petitioner has joined the investigation, but substantial part of jewellery is yet to be recovered.

Learned counsel for the complainant submits that there are specific allegations against the petitioner and that the recovery of the dowry articles is still to be effected.

Heard.

On 25.08.2017, the following order was passed:-

“Post again on 15.09.2017.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he 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 and;*
- 3. That he shall not leave India without prior permission of the Court.*

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 25.08.2017, 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.

15.09.2017

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**(JITENDRA CHAUHAN)
JUDGE**

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