

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

CRM-M -44884 of 2016 (O&M)
Date of decision: 16.08.2017

Suresh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Grewal, Advocate for the petitioner(s).

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

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.97 dated 02.10.2016, registered under Sections 406 and 498-A of IPC, at Police Station City Fazilka, District Fazilka.

On 16.12.2016, this Court had passed the following order:-

“Heard.

Learned counsel for the petitioner contends that it has been noted in an enquiry that was conducted by DSP Fazilka that the complainant has taken away all the dowry articles and the petitioner is ready and willing to join the investigation and his custodial interrogation is not required.

Notice of motion for 10.03.2017.

Meanwhile, in the event of arrest, the petitioner be

released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

It is contended that in pursuance of the order dated 16.12.2016, the petitioner has joined the investigation. He further submits that in the enquiry conducted by DSP (Annexure P-2) it has been mentioned that all the dowry articles had already been recovered.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, recovery of dowry articles are yet to be effected.

Keeping in view the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 16.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

16.08.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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