

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

CRM No. M-46256 of 2016 (O&M)

Date of Decision: 04.10.2017.

Surinderpal Verma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Jaideep Verma, Advocate,
for the petitioner.

Ms. Gurnoor Ghuman, AAG Punjab
assisted by ASI Satnam Singh.

Mr. M.S. Sodhi, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)
CRM No.3575 of 2017

The application is allowed as prayed for. Annexure

R-1 is taken on record subject to all just exceptions.

Main case

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in case FIR No.104 dated 25.09.2016
registered under Sections 498-A and 406 IPC at Police Station Women
Cell, Ludhiana.

On 23.12.2016 this Court had passed the following
order:-

“Heard.

Learned counsel for the petitioner contends that though the FIR has been registered under Sections 498-A, 406 of Indian Penal Code, however, the petitioner is ready and willing to join the investigation and hand over all the dowry articles, as received.

Notice of motion for 22.03.2017.

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 23.12.2016, the petitioner has joined the investigation.

Learned counsel for respondent No.2 submits that recovery of certain dowry article has not been effected.

However, the learned counsel for the petitioner asserts that everything has been returned.

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. In view of this, the order dated 23.12.2016 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.

The petition stands allowed.

04.10.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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