

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

CRM-M No. 5006 of 2017(O&M)

Date of decision: 23.5.2017

Vishal Sharma

....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Petitioner in person with
Mr. Jasraj Singh, Advocate.

Mr. Ankur Jain, AAG, Punjab with
ASI Kulwinderjit Kaur.

Respondent No.2 in person with
Mr. Vijay Rana, Advocate.

REKHA MITTAL, J.(Oral)

Counsel for the petitioner has submitted that the petitioner has already joined investigation in terms of order dated 16.02.2017 and is ready to face the proceedings, in accordance with law. The petitioner deposited an amount of Rs.50,000/- in the Registry in the name of minor child of the parties in compliance with order of interim bail. It is further submitted that whatever articles of dowry were in possession of the petitioner, the same have been handed over to the police. However, two pairs of ear-rings are in possession of the petitioner and he is ready to hand over the same to the Investigating Officer but the same were not recovered by the Investigating officer as the complainant refused to identify that jewellery to be of hers'. It is further submitted that though the petitioner is working as a Labour Technician in Sonalika at Hoshiarpur but he is ready to pay another sum of Rs.25,000/- towards price of other articles claimed by the complainant though he is not in possession of the same. It is further

submitted that even some jewellery belonging to the petitioner and his family has been taken away by the complainant.

Counsel for the State has submitted that many articles of jewellery mentioned in the list and bill are yet to be recovered.

Counsel for the complainant would state that in view of conduct of the petitioner detailed in the FIR causing beatings to the complainant on account of demand of dowry, he is not entitled to pre-arrest bail.

I have heard counsel for the parties, perused the paper-book and the police records.

On a query by the Court, counsel for the complainant would inform that the complainant is a practicing Advocate at Jalandhar since 2013 and there is no medical evidence with regard to any physical assault.

There are submissions and counter-submissions made by counsel for the parties with regard to recovery of articles of dowry. Plea of the complainant is that the articles are in possession of the petitioner whereas the petitioner says it otherwise. Counsel for the petitioner has referred to judgment of this Court **Bhupinder Singh etc. Vs. State of Punjab, 2014(2) RCR (Criminal) 109,** wherein it has been held that the provisions contained in Sections 406 and 498-A IPC have not been enacted to get the alleged dowry articles recovered. A reference in this regard has been made to **Jagdish Thakkar Vs. State of Delhi, 1993 Criminal Court Judgments 103** and **Uday Singh Vs. State of Haryana, 2001 (1) RCR (Criminal) 354 (P&H).**

In view of the above, interim bail granted to the petitioner vide order dated 16.02.2017 is made absolute subject to the conditions incorporated therein. However, the petitioner shall deposit another sum of

Rs.25,000/- in the shape of demand draft in the name of complainant with the Investigating Officer within a period of 15 days and the same shall be handed over to the complainant subject to outcome of the litigation.

Disposed of accordingly.

Before parting with this order, it is pertinent to mention that counsel for the complainant would inform that in order to prepare a Fixed Deposit Receipt (in short 'FDR') in the name of the child with regard to an amount of Rs.50,000/- deposited by the petitioner in the Registry, an account of the child is required to be opened at Chandigarh. He has prayed that by way of partial modification of the order dated 16.02.2017, the amount may be released to the complainant and she ensures that a FDR of the said amount in the name of child would be prepared and a copy of the FDR would be produced in the Registry within a period of 15 days.

Counsel for the petitioner has got no objection.

In view of the above, Registry is directed to release the amount of Rs.50,000/- to the complainant subject to the condition that the complainant shall invest that amount in FDR in the name of child and the complainant shall be entitled to get interest on the amount of FDR in terms of order dated 16.02.2017. The complainant shall deposit copy of the FDR with the Registry within a period of one month from the date of release of amount, in her favour.

MAY 23, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no