

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

CRM-M No.5863 of 2017

Date of Decision : 11.07.2017

Swaran Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present : Mr. Anupam Singla, Advocate
for the petitioner(s).

Ms. Monika Jalota, Deputy Advocate General, Punjab
for the respondent-State.

LISA GILL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.131 dated 30th December, 2016 registered under Section 498-A, 406, 354 IPC at Police Station Bajakhana, District Faridkot.

Mr. Amaninder Preet, Advocate, appears on behalf of the complainant and files his Power of Attorney today in the Court. The same is taken on record subject to just exception.

It is submitted that the petitioner has been falsely implicated in this case due to his relationship with the complainant. He is the brother-in-law (jeth) of the complainant.

The marriage of the complainant and her husband took

place in Manila (Philippines) on 25th of August, 2008. The complainant and her husband did not reside with the petitioner at any point of time. Furthermore, the averments in the FIR that she was subjected to harassment when she came and resided at her in-laws' house at village Lande along with her son, are absolutely incorrect. General and vague allegations have been raised against not only the petitioner but other family members as well. The Investigating Agency has found all the other persons to be innocent except the petitioner and complainant's husband. The petitioner has since joined the investigation, therefore, this petition be allowed.

Learned counsel for the complainant opposes this application.

Learned counsel for the State on instructions from ASI Kashmir Singh verifies that the petitioner has joined investigation pursuant to the order dated 22nd February, 2017 passed by this Court. It is however, submitted that one gold kada (Bangle) given to the petitioner at the time of marriage is still to be recovered. It is not denied that all the other accused except the petitioner and the complainant's husband have been found to be innocent by the Investigating Agency.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the

witnesses from deposing true facts in the Court, if released on bail.

It has been held by this Court in '*Bhupinder Singh etc. versus State of Punjab, 2014(2) R.C.R.(Criminal) 109*' that non recovery of dowry articles from the accused cannot be made a ground to deny the concession of anticipatory bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 22nd February, 2017 is made absolute.

July 11, 2017
Dpr

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No