

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

Crl. Misc. M-10555 of 2016 (O&M)
Date of Decision: March 13, 2018

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG Punjab.

Mr. Arjun Lakhanpal, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.159 dated 28.12.2015, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station City Batala, District Gurdaspur.

By an order dated 29.03.2016, while issuing the notice of motion, the petitioner had been directed to join the investigation. This court is informed that the petitioner did join the investigation, pursuant to the said order. Thereafter, the parties were directed to appear before the Mediation and Conciliation Centre of this court. However, the mediation seems to have been unsuccessful, despite the attempt being made by the mediators

and this court itself.

Learned counsel appearing on behalf of respondent-State, on instructions from HC Kuldip Singh as well as counsel for the complainant submit that as per the complainant, LCD, washing machine, refrigerator along with some gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

I have heard learned counsel for the parties.

There are plethora of judgments to the effect that bail should not be denied only on account of the fact that recoveries have not been made.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit Rs.50,000/- with the Illaqa Magistrate, in lieu of the alleged recoveries that are yet to be effected.

In view of the above, let the amount of Rs.50,000/- be deposited with the Illaqa Magistrate, in lieu of the alleged recoveries within a period of four weeks, to be disbursed to the complainant in case, the complainant is successful in her allegations.

With the aforesaid directions, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 29.03.2016 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure and deposit of Rs.50,000/- in lieu of *istridhan*.

March 13, 2018
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(JAISHREE THAKUR)
JUDGE