

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

**CRM-M-11971-2018
Date of decision: 31.08.2018**

Kuldeep Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Gurcharan Dass, Advocate,
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Vishavjeet Singh, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners, in the event of arrest, in case FIR No. 14 dated 02.02.2018, under Sections 406, 498-A IPC registered at Police Station Women, Ludhiana.

Learned counsel for the petitioners contends that pursuant to the order dated 22.03.2018, the petitioners have joined the investigation and also handed over gold items which were in their possession. Learned counsel for the petitioners contends that the said items have already been received by the complainant on Supardari while further submitting that when the complainant left the matrimonial home she took away the rest of

her dowry articles.

Grant of anticipatory bail is contested by the counsel for the complainant, who submits that the conduct of the petitioner-husband and his family members is such that anticipatory bail ought not to be allowed to them. It is contended that the mediation process that was held before the Mediation and Conciliation Centre of this Court, her father-in-law, namely Kuldeep Singh had attacked and abused her uncle, who was present there along with her.

Report in this regard of the Director, Mediation and Conciliation Centre has been called for and as per the report it is stated that *“After examining the above, it is reported that from the above visual CCTV footage it cannot be inferred that the father-in-law of the complainant had attacked the uncle of the complainant in the Mediation and Conciliation Centre on 10.05.2018”*.

I have heard learned counsel for the parties and have perused the pleadings of the case.

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. Merely because recoveries of part of *Istridhan* are yet to be made, this court is not inclined to reject the petition. Denial of bail in normal circumstances cannot be used as a tool to effect recoveries

In view of the facts that the petitioners have joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 26.07.2018 granting interim bail to

the petitioners 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.

31.08.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.