

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

Crl. Misc. M-1218 of 2018 (O&M)
Date of Decision: December 11, 2018

Ashish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. L.S. Mann, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. AG Punjab.

Mr. A.S. Gulati, 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.126 dated 09.11.2017, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case and on the direction of this Court, has joined the investigation. It is also contended that nothing is to be recovered from him.

Learned State counsel, on instructions from the Investigating Officer as well as counsel for the complainant submit that though the petitioner has joined the investigation, however, there has been no recovery of dowry articles.

I have heard learned counsel for the parties.

Mediation process between the parties has failed. So far as the arguments of learned State counsel as well as counsel for the complainant is concerned, 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. Reliance has been placed upon judgment rendered in **Anil Rajput and others vs. State of Haryana, 2010(6) RCR (Criminal) 1126.**

In view of the fact that the petitioner has already joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 15.01.2018 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.

December 11, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No