

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

Crl. Misc. M-14534 of 2016 (O&M)

Date of Decision: February 14, 2018

Harpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Kumar, Advocate
for the petitioner.

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

Mr. Ritesh Pandey, Advocate
for complainant-respondent No.2.

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.207 dated 28.12.2015, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Civil Lines Batala, District Gurdaspur.

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 ASI Balwinder Singh as well as learned counsel for complainant-respondent No.2 submit

that though the petitioner has joined the investigation and has returned all the dowry articles, however, one gold set weighing approximately 30 grams is yet to be recovered from the petitioner, therefore, he is not entitled for grant of relief of anticipatory bail.

On this, learned counsel for the petitioner submits that whatever dowry articles were in his possession, all have been returned and the petitioner is not in possession of any of the dowry articles.

I have heard learned counsel for the parties.

Merely because recoveries of alleged one gold set is 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 fact that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 29.04.2016 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.

February 14, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No