

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

Date of Decision: November 20, 2018

1. **Crl. Misc. M- 18805-2018 (O&M)**

Veena

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

2. **Crl. Misc. M- 26102-2018 (O&M)**

Deepak Sharma

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Grover, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P., UT, Chandigarh.

Mr. Vikram Punia, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

By this common order, this Court proposes to dispose of both
the above-said petitions as the same arise out of similar facts.

For brevity facts are being taken from **Crl. Misc. M- 18805-2018** titled as '**Veena vs. State of UT, Chandigarh**'.

The above mentioned petitions have been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 120 dated 30.12.2017 under Sections 406, 498-A of the Indian Penal Code, registered at Women Police Station, Sector 17, UT, Chandigarh.

Learned counsel for the petitioner contends that there is sufficient proof available on record to negate the claim of the complainant that the gold articles are still in their possession. This fact is countered by the complainant who is present in Court today and submits that in fact a compromise has been arrived at between the parties that the petitioner and his family members would give her a sum of ₹5 Lacs in order to settle all disputes, which would also include the Istridhan and other gold articles.

Learned counsel for the respondent-State submits that there is an averment that there is proof available on record that she does have possession of some gold articles.

Learned State counsel, on instructions from the Investigating Officer, submits that petitioner has joined the investigation and he/she is not required for the custodial interrogation.

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

In view of the facts that the petitioner is not required for custodial interrogation and has joined the investigation and the argument raised that the recovery of gold articles is a matter of evidence which is to

be led before the trial Court by relying upon the judgment rendered in “Anil Rajput vs. State of Haryana” 2016 (6) RCR (Criminal)1126, without commenting on the merits of the case, the petition is allowed and order 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.

Both petitions stand disposed of.

November 20, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No