

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18817-2018 (O&M)

Date of Decision: 04.12.2018

Darshmesh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Ms. Harpinder Kaur, Advocate
for 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.28 dated 02.02.2018, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that by an order dated 04.05.2018, the petitioner had been directed to join the investigation. Again in compliance with the order dated 22.11.2018, he has handed over the motor cycle to the Investigating Officer.

Learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer as well as counsel for the complainant opposed the grant of anticipatory bail to the petitioner on the

ground that some recoveries are yet to be effected.

To counter this submission, learned counsel for the petitioner submits that a complaint has already been filed on 22.11.2016 stating that the complainant has already taken all her jewellery. It is a matter of evidence which is to be proved by leading evidence before the trial Court.

I have heard learned counsel for the parties.

This Court in a catena of judgments has held that bail cannot be denied only on the ground that certain recoveries are yet to be made. In this regard reference can be made to the judgments rendered in *Anil Rajput and others Versus State of Haryana 2010 (6) R.C.R. (Criminal) 1126*, *Prit Pal Singh Versus State of Punjab and another 2014 (5) R.C.R. (Criminal) 771* and *Ekta Versus State of Punjab and others 2016 (4) R.C.R. (Criminal) 426*.

In view of the facts that the petitioner has joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 04.05.2018 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.

04.12.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No