

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

Crl. Misc. M-2226 of 2017 (O&M)

Date of Decision: April 20, 2018

Dhiraj Bhandari

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Bawa, Advocate
for the petitioner.

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

Mr. S.S. Pathania, 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.120 dated 13.10.2016, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Women, District Ludhiana.

By an order dated 31.01.2017, the petitioner had been directed to join the investigation. This court is informed that the petitioner did join the investigation, pursuant to the said order. Thereafter, the parties were directed to appear before the Mediation and Conciliation Centre of this court. However, the mediation seems to have been unsuccessful, despite the attempt being made by the mediators and this court itself.

Learned counsel appearing on behalf of respondent-State, on

instructions from Investigating Officer as well as counsel for the complainant submit that some of the gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

On this, learned counsel for the petitioner submits that pursuant to the order dated 31.01.2017 passed by this court, the locker in which all the gold items were kept, had been operated by the petitioner herein and the complainant in the presence of the Investigating Officer and recovery of 77 grams of gold jewellery has already been effected. It is contended that whatever gold items the petitioner had in his possession, the same have already been returned to the complainant.

I have heard learned counsel for the parties.

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 petitioner has joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 31.01.2017 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.

April 20, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No