

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

Crl. Misc. M-2469 of 2017 (O&M)

Date of Decision: October 16, 2018

Mukesh Sethi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

Mr. K.S. Dadwal, 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.177 dated 07.12.2017, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Division No.7, Jalandhar.

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 submits that though the petitioner has joined the investigation, however, there has been no recovery of any gold items. It is further submitted that as on date, the bills pertaining to the gold items have already

been submitted in the trial court, which is proceedings qua the other co-accused.

Per contra, learned counsel for the complainant opposes the confirmation of anticipatory bail of the petitioner, while submitting that there has been no recovery of the gold items.

I have heard learned counsel for the parties.

So far as the arguments of learned 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 trial has already started, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 17.07.2018 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. On the basis of evidence led, the petitioner herein will face consequences of any judgment that would be rendered in the present FIR. The petitioner is directed to deposit his passport with the trial court within a period of two weeks from today.

October 16, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No