

CRM-M-26362-2018

Date of Decision: 27.08.2018

Mandeep Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**Present:** Mr. Sanjay Vashisth, Advocate
for the petitioner.Ms. Gaganpreet Kaur, AAG, Haryana
for respondent No.1-State.Mr. G.C. Shahpuri, Advocate
for the complainant/respondent No.2.**JAISHREE THAKUR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. for seeking concession of anticipatory bail in case FIR No.23 dated 08.06.2018 under Sections 498-A, 323, 354, 406, 384, 34 of the Indian Penal Code registered at Women Police Station Yamuna Nagar District Yamuna Nagar.

Learned counsel for the petitioner contends that pursuant to the order dated 20.06.2018, the petitioner had joined investigation and also handed over some of the gold and dowry articles which were in his possession. He has also appeared before the Mediation and Conciliation Centre of this Court. However, the mediation between the parties has failed.

Mr. G.C. Shahpuri, Advocate appearing on behalf of the complainant contends that recovery of some gold items and other household items is yet to be effected.

Ms. Gaganpreet Kaur, AAG, Haryana, on instructions from the

Investigating Officer, submits that though the petitioner has joined the investigation, however, 23 tolas of gold is yet to be recovered.

Faced with this, learned counsel for the petitioner refutes the fact that any gold article are yet to be returned by arguing that the complainant has left the matrimonial home and has shifted the residence and contends that during this period, the complainant had taken back the articles that were lying at the matrimonial home.

I have heard learned counsel for the parties and also perused the proceedings of the case.

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 is not required for custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 20.06.2018, 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.

(JAISHREE THAKUR)
JUDGE

27.08.2018
Neha

Whether Speaking/Reportable : Yes/No

Whether Reportable : Yes/No