

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

Crl. Misc. M-25551 of 2017 (O&M)

Date of Decision: April 23, 2018

Nitin Garg

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Ms. Shuchi Sodhi, 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.144 dated 05.03.2012, under Sections 498-A, 506, 506 of Indian Penal Code, registered at Police Station City Sirsa, District Sirsa.

Learned Senior counsel appearing on behalf of the petitioner contends that the marriage took place as far back as 2006 and that the complainant stayed with the petitioner till the year 2010 in the United States of America where, on account of matrimonial dispute, a divorce case was filed, which has been allowed and appeal against the said divorce has been dismissed.

Learned counsel appearing on behalf of respondent No.2,

however, submits that the divorce that has been obtained, was an *ex parte* divorce, while contenting that the complainant had come back to India and her passport was in the possession of the petitioner herein and it is on this count that she could not go back to contest the divorce case.

Learned counsel appearing on behalf of the respondent-State on the other hand submits that no recoveries have been made as on date.

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 19.07.2017 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 23, 2018

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No