

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

CRM-M-26146-2017

Date of decision: 02.05.2018

Sukhpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. L.M. Gulati, Advocate,
for the petitioner.

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

Mr. A.S. Simble, Advocate,
for the complainant/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.102 dated 30.05.2017, under Sections 498-A, 406 & 323 of the Indian Penal Code, registered at Police Station Civil Lines, Batala, District Gurdaspur.

By an order dated 24.07.2017, while issuing the notice of motion, 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. The mediation seems to have been unsuccessful, despite the attempt being made by this court itself.

Learned counsel appearing on behalf of respondent-State as well as counsel for the complainant submit that as per the complainant, *Istridhan* along with some gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

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.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit ₹ 3,00,000/- with the Illaqa Magistrate, in lieu of the alleged recoveries that are yet to be effected.

In view of the above, let the amount of ₹ 3,00,000/- be deposited with the Illaqa Magistrate, in lieu of the alleged recoveries within a period of four weeks, to be disbursed to the complainant in case, the complainant is successful in her allegations.

With the aforesaid directions, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 24.07.2017 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 and deposit of ₹ 3,00,000/- in lieu of *istridhan*.

02.05.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.