

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

Crl. Misc. M-2713 of 2018 (O&M)
Date of Decision: July 17, 2018

Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vaneet Garg, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Keshav Partap Singh, 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. 272 dated 30.11.2017 under Sections 406, 498-A of Indian Penal Code registered at Police Station Dera Bassi, District SAS Nagar, Mohali.

By an order dated 23.01.2018, the petitioner had been directed to join the investigation. This Court is informed that he has joined the investigation and some dowry articles are yet to be recovered.

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 dowry 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 the

respondent left the matrimonial home in July, 2016 and thereafter, the petitioner himself had filed a petition under Section 10 of the Hindu Marriage Act seeking dissolution of the marriage in December 2016. As a counter-blast an FIR had been registered bearing No. 272 dated 30.11.2017. It is contended that most of the dowry articles have been recovered by the police and the same had been handed over to the complainant. 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 23.01.2018 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.

July 17, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No