

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

Crl. Misc. M-27992 of 2017 (O&M)
Date of Decision: March 22, 2018

Kajal Bhatoa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Manhas, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. Shiva Khurmi, Legal Aid Counsel
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.89 dated 26.05.2017, under Sections 406, 498-A, 419 of the Indian Penal Code, registered at Police Station Division No.2 Pathankot, District Pathankot.

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, one gold kara, one ring, one earring are yet to be recovered.

On this, learned counsel for the petitioner submits that whatever dowry articles/*istridhan* the petitioner had in his possession, all of them have already been given to the Investigating Officer.

I have heard learned counsel for the parties.

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 fact that the petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 03.08.2017 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.

March 22, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No