

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

Date of decision: 10.07.2018

1. CRM-M-32142-2017

Kamla

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-34845-2017

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

3. CRM-M-37730-2017

Rahul

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Arvind Bansal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. L.M. Gulati, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

1. By this common order, this Court proposes to dispose of above referred three separate petitions for grant of anticipatory bail to the petitioner(s) in case FIR No. 183 dated 03.06.2017 under Sections 323 /

34 /376/ 379-A / 498-A / 506 IPC, registered at Police Station Pundri, District Kaithal.

2. Learned counsel appearing on behalf of the petitioner(s) contends that in fact even though the aforesaid Sections have been mentioned in the FIR, as on date only Sections 323, 498-A, 406 and 34 IPC survive. It is also argued that the petitioner-husband herein had made an effort to settle all disputes by paying a sum of ₹ 4,00,000/-, however, the complainant is not ready and agreeable to the said amount.

3. Learned counsel appearing on behalf of the respondent-complainant submits that there is a minor child and, therefore, the said amount is not adequate while submitting that gold items and other dowry articles that have been given at the time of marriage have yet to be recovered.

4. Learned counsel for the complainant opposes the grant of bail on the aforesaid ground.

5. Learned counsel appearing on behalf of the respondent-State submits that though the petitioner(s) have joined the investigation, the respondent, namely the complainant has not either submitted list of dowry articles or bills in support thereof to the police for them to have investigated into the matter.

6. I have heard learned counsel for the parties and have also perused the pleadings of the case. The petitioner(s) herein has joined the investigation even though it is submitted that some recoveries are yet to be made.

7. This Court in a catena of judgments has held that bail cannot be denied only on the ground that certain recoveries are yet to be made. In this regard reference can be made to the judgments rendered in Anil Rajput and others Versus State of Haryana 2010 (6) R.C.R. (Criminal) 1126, Prit Pal Singh Versus State of Punjab and another 2014 (5) R.C.R. (Criminal) 771 and Ekta Versus State of Punjab and others 2016 (4) R.C.R. (Criminal) 426.

8. Furthermore, in Rajesh Sharma and others Versus State of U.P. and another, 2017 AIR (SC) 3869, the Apex Court has categorically held that the police and the Courts should not be quick to resort to the method of arrest and that arrest should be the last resort.

9. In view of the above, the instant petition is allowed and interim orders dated 31.08.2017 passed in CRM-M-32142-2017, dated 09.10.2017 in CRM-M-37730-2017 and dated 10.10.2017 in CRM-M-34845-2017 are hereby made absolute subject to the condition that the petitioner(s) will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

10. A photocopy of this order be placed on the files of the connected cases.

10.07.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.