

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

Crl. Misc. M-33481 of 2016 (O&M)
Date of Decision: March 09, 2018

Umesh Pahwa

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rohit Sud, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. Brij Bhushan Sharma, Advocate for
Mr. Rahul Sharma, 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.100 dated 11.09.2016, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Women, District Ludhiana City.

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 ASI Meet Ram as

well as counsel for the complainant submit that though the petitioner has joined the investigation, however, some of the gold items are yet to be recovered.

At this stage, counsel for the petitioner herein contends that the complainant herself operated the locker on 12.07.2016, while submitting that washing machine, LCD, dinner set, clothes etc. have already been handed over 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, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 21.09.2016 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 09, 2018

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No