

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

Crl. Misc. M-34041 of 2017 (O&M)

Date of Decision: May 25, 2018

Manish Sachdeva

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Dhimans, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

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.255 dated 24.07.2017, under Sections 406, 498-A, 34 of the Indian Penal Code, registered at Police Station Women, Sector 51, Gurugram.

By an order dated 14.09.2017, 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.

Learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer submits that some of the dowry articles are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

On this, learned counsel for the petitioner contended that whatever dowry articles the petitioner had in his possession, the same have

already been returned to the Investigating Officer.

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 14.09.2017 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.

May 25, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No