

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

Crl. Misc. M-35869 of 2015 (O&M)
Date of Decision: March 07, 2018

Mukesh Kumar

...Petitioner

Versus

UT of Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Gautam Dutt, Addl. P.P. U.T., Chandigarh.

Mr. Raman B. Garg, Advocate with
Ms. Gitanjali Chhabra, 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 the event of arrest in FIR No.432 dated 11.08.2015, under Section 498-A of the Indian Penal Code (offence under Section 406 of Indian Penal Code later on), registered at Police Station Manimajra, District Chandigarh.

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 Investigating Officer as well as counsel for the complainant submit that though the petitioner has joined the investigation, however, some of the dowry articles are yet to be recovered.

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 facts that the petitioner is not required for custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 16.10.2015 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 07, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No