

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 38059-2018

Date of decision: 31.10.2018

Nitin Luthra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ivneet Singh Pabla, Advocate
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This Court was pleased to pass the following order on
31.08.2018 :-

“The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No. 91, dated 28.05.2018, registered under Sections 498-A, 506 IPC, at Police Station City Phagwara, District Kapurthala.

Notice of motion.

On the asking of Court, Mr. Rana Harjasdeep Singh, DAG, Punjab and Mr. P.P.S. Paul, Advocate, accept notice on behalf of respondent -State and the complainant, respectively.

Learned counsel for the complainant submits that in the bail order of Vinod Bala, mother-in-law of the complainant it has been noticed that the recoveries have

been made despite any bills produced by the complainant.

Learned counsel for the petitioner herein contends that there are figures reflecting the recoveries made, which would be placed on the record by way of an additional criminal miscellaneous application. It is also argued that one gold ear-tops and one gold ring given to the younger sister of the petitioner, are yet to be recovered. Learned counsel for the petitioner further submits that since they have sold the same, they are willing to furnish adequate amount for the same in cash as against the amount mentioned in the bill.

Adjourned to 31.10.2018.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation. He further submits that in lieu of the gold items that were given to his younger sister i.e. one gold tops and one gold ring valued at ₹ 16,000/-, the value against the same is handed over to SI, Onkar Singh, Investigating Officer, in the Court today, who in turn would ensure that the same is handed over to the complainant.

Learned counsel for the respondent-State, on instructions from SI, Onkar Singh, confirms the factum of joining investigation by the petitioner and handing over the dowry articles.

Since the petitioner has joined the investigation and returned the dowry articles, the petition is allowed and interim order dated 31.08.2018 is hereby made absolute subject to the condition that the petitioner 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.

31.10.2018
Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.