

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

Crl. Misc. M-38258 of 2017 (O&M)
Date of Decision: May 04, 2018

Deepak Manchanda

...Petitioner

Versus

State of U.T., Chandigarh and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Sarna, Advocate
for the petitioner.

Mr. J.S. Toor, Addl. P.P. U.T., Chandigarh.

Complainant/respondent No.2 in person.

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.60 dated 10.06.2017, under Sections 406, 498-A of Indian Penal Code, registered at Police Station Women, Sector 17, Chandigarh.

By an order dated 11.10.2017, while issuing the notice of motion, 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. Thereafter, the parties were directed to appear before the Mediation and Conciliation Centre of this court. However, the mediation seems to have been unsuccessful, despite the attempt being made by the mediator and this court itself.

Learned counsel appearing on behalf of the respondent-State, assisted by complainant/respondent No.2 as well as Investigating Officer, submits that dowry articles including 06 tolas of gold are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

On this, learned counsel for the petitioner herein submits that the allegations as set out in the FIR are totally unsustainable, on account of the fact that the complainant herself submitted in proceedings under Section 13 of Hindu Marriage Act that only clothing were lying in the matrimonial home and she moved an application to this effect (Annexure P-6), but this fact is denied by the complainant.

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 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 11.10.2017 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 04, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No