

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-40198 of 2016(O&M)

Date of decision :19.01.2018

Akash Modi

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pawan Kumar, Sr. Advocate
with Mr. Rozer Kumar Aggarwal, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Ms. Akansha Nayyar, Advocate
for Mr. Vikas Sharma, Advocate
for respondent no.2.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR
No.0020 dated 04.07.2016, under Section 406, 498-A IPC, registered at
Police Station Woman, SAS Nagar, Mohali.

It is submitted that the petitioner got married with the
complainant on 26.01.2015 through Shadi.Com. At that time, he was
employed at Chhatisgarh. The respondent-wife, a Chartered Accountant,
was working at Chandigarh/Mohali. She accompanied the petitioner to
Chhatisgarh, but left the matrimonial home on 20.05.2015 and returned to
her parental home. It is submitted that the complainant pressurized the
petitioner to leave his employment at Chhatisgarh and shift back to
Mohali or Chandigarh. Petitioner however refused to shift to Chandigarh
or Mohali as he did not have proper prospects of employment at the said

stations and it was not viable for him to leave his job at Chhatisgarh. It is submitted that the complainant thereafter started harassing the petitioner and his parents on this account and a complaint was submitted by the petitioner on 15.09.2015 before the Senior Superintendent of Police, SAS Nagar, Mohali. The parties were called at Women Cell, SAS Nagar, Mohali. However, the complainant refused to accompany the petitioner to Chhatisgarh. The petitioner was thereafter constrained to file a petition under Section 13 of the Hindu Marriage Act, 1955 on 27.01.2016. Learned counsel for the petitioner submits that it is thereafter that as a counter blast, the present FIR has been registered on 04.07.2016. The petitioner's parents have been found innocent during investigation. The petitioner, it is informed is presently working at Andhra Pradesh. He undertakes to face proceedings and not abuse the concession of anticipatory bail, if confirmed. He has joined investigation pursuant to order passed by this Court. It is thus prayed that this petition be allowed.

Learned counsel for the complainant-respondent no.2 has opposed this petition on the ground that recovery of gold articles is yet to be effected, though, it is not denied that as per allegations in the FIR, the said jewellery is stated to have been handed over to the mother-in-law, who has been found innocent during investigation.

Learned counsel for the State, on instructions from HC Satinder Singh, verifies and affirms that the petitioner has joined investigation pursuant to interim order passed by this Court. It is submitted that few of the articles in question are yet to be recovered. This fact is refuted by the learned counsel for the petitioner. It has been held

by this Court in **Prit Pal Singh V. State of Punjab and another 2014 (5) RCR (Criminal) 771** that mere non recovery of certain articles cannot be a ground for not affording the concession of anticipatory bail to the accused.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 10.11.2016, is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

19.01.2018

s.khan

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable:Yes/No