

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

Crl. Misc. M-42033 of 2018 (O&M)
Date of Decision: December 06, 2018

Rohit Dev

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. AG Punjab.

Mr. Amit Dhawan, 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 FIR No.06 dated 31.07.2018, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station NRI, Jalandhar.

By an order dated 26.09.2018, the petitioner herein had been directed to join the investigation and hand over his passport, apart from furnishing an FD for a sum of ₹ 1 lac in the name of complainant with the Investigating Officer, apart from handing over his passport. This court is informed that the petitioner did join the investigation and also submitted an FD for a sum of ₹ 1 lac in the name of complainant with the Investigating Officer, pursuant to the said order. Passport stands deposited as well.

Learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer as well as counsel for the complainant submit that part 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 herein submits that the petitioner, who is the brother-in-law of the complainant, has already handed over the dowry articles whatever in his possession.

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 26.09.2018 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.

December 06, 2018

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No