

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

CRM-M-42576-2017

Date of decision: 26.09.2018

Sushil Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sourabh Goel, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Robin Lohan, Advocate,
for respondent Nos.2 & 3.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 81 dated 17.09.2017 under Sections 406, 498-A IPC, registered at Police Station, Women, District Ludhiana.

Learned counsel for the petitioner submits that it was a love marriage which eventually turned sour on account of the fact that it was an inter-caste marriage and it was not acceptable to the parents of the girl. Learned counsel for the petitioner submits that even the mediation process has failed but the petitioner has joined the investigation.

Learned counsel for the respondent-State, on instructions from the Investigating Officer, confirms the factum of joining investigation by the petitioner, while submitting that they have verified the bills of 164 grams of gold which has yet to be recovered.

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.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit ₹ 5 lakh with the Illaqa Magistrate, in lieu of the alleged recoveries that are yet to be effected.

In view of the above, let the amount of ₹ 5 lakh in the shape of fixed deposit in the name of the complainant, be deposited with the Illaqa Magistrate, in lieu of the alleged recoveries within a period of four weeks, to be disbursed to the complainant in case, the complainant is successful in her allegations.

With the aforesaid directions, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 09.11.2017 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 and deposit of ₹ 5 lakh in lieu of *istridhan*.

26.09.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.