

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

CRM-M-44602-2016 (O&M)

Date of Decision:25.7.2018

Sandeep Kumar

...Petitioner

Versus

State of Punjab and anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Puri, Advocate, for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Deepak Arora, Advocate, for respondent No. 2.

JAISHREE THAKUR, J.

This is a petition for grant of anticipatory bail to the petitioner in case FIR No. 160, dated 11.10.2016 under Sections 498-A, 406, 323, 342, 34 of IPC, registered at Police Station City Gurdaspur.

Learned counsel for the petitioner submits that in pursuance to the order dated 14.12.2016, the petitioner has joined Investigation.

Learned counsel appearing on behalf of the respondent submits that though Sandeep Kumar-Petitioner has joined investigation, the recoveries of approximately 85 grams of gold, TV, Fridge, Washing Machine, furniture, that were given as dowry articles, have not been recovered so far. It is also submitted that in fact only paltry items like trunk, blanket etc., have been recovered so far.

Learned counsel for the complainant contends that during the

investigation statement has been recorded which would reflect that it is the petitioner, herein, who has removed all the household articles by loading them in a mini van in the middle of the night. It is also argued that the petitioner is not appearing in the proceedings initiated under Section 125 Cr. P.C. and he has also failed to make any payment as ordered under the provisions of the Domestic Violence Act.

Per contra, learned counsel for the petitioner contends that the petitioner herein has put in appearance through his father and offer to make payment of ₹ 10,000/- while submitting that he is jobless at the present moment.

I have heard learned counsel for the parties.

At the outset, it is noted that this Court on several occasions try to effect a settlement between the parties, however despite all efforts made the same has not fructified.

The petitioner herein has joined investigation even though he has not cooperated in handing over the dowry articles. Be that as it may, since the petitioner has joined investigation in terms of the order dated December 14, 2016, this Court is not inclined to decline the bail merely on account of the fact that the recoveries have not been effected. The petitioner herein is facing proceedings under Section 125 Cr. P.C. wherein conditional warrants of arrest have already been issued for non-payment of the maintenance that has been so awarded.

In view of the facts that the petitioner is not required for custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order

dated 14.12.2016, 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.

July 25th, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No