

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

**CRM-M-45295-2016
Date of decision: 20.02.2018**

Deepak Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sukhjit Singh, Advocate,
for the petitioner.

Mrs. Anju Arora, Addl. A.G., Punjab.

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. 119 dated 12.10.2016 under Sections 406 & 498-A IPC, registered at Women Police Station, Ludhiana.

In brief, the facts are that the petitioner and the complainant were married in the year 2011. It is alleged that on account of matrimonial difference she was turned out of the matrimonial home, which resulted in registration of the aforesaid FIR. The petitioner herein had applied for grant of anticipatory bail before the Addl. Sessions Judge, Ludhiana which came to be rejected primarily on the ground that the gold articles lying in his possession were not recovered.

Learned counsel for the petitioner contends that the petitioner is ready to face trial. He further submits that while leaving the matrimonial home the complainant had taken away her clothes and jewellery belonging

to her as well as the gold articles that were given in the marriage. He places reliance upon *Bhupinder Singh etc. vs. State of Punjab, 2014(2) R.C.R. (Criminal) 109, Beant Singh and another vs. State of Punjab, 2011(2) R.C.R. (Criminal) 381, Prit Pal Singh vs. State of Punjab and another, 2014(5) R.C.R. (Criminal) and Anil Rajput and others vs. State of Haryana, 2010(6) R.C.R. (Criminal) 1126* while arguing that there are catena of judgments of this Court which have clearly laid down that anticipatory bail could not be denied or rejected on the ground that dowry articles have not been recovered from the accused.

Per contra, learned counsel appearing on behalf of the respondent-State as well as for the complainant submit that dowry articles are yet to be recovered. In fact, the complainant had supplied a list of dowry articles and that 9 Tolas of gold was given to the complainant at the time of her marriage and the same has not yet been recovered.

I have heard learned counsel for the parties and have also gone through the judgments relied upon by learned counsel for the petitioner.

The catena of judgments referred to above, clearly lay down the principle that proceedings under Sections 406 & 498-A IPC are not meant for recovery of jewellery and dowry articles and this Court finds no grounds set out in the instant case to distinguish the said judgments. Consequently, the petition is allowed and interim order dated 17.12.2016 is hereby made absolute subject to the condition that the petitioner will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

However, while confirming the anticipatory bail that has been allowed to the petitioner herein, it is directed that an FDR be prepared from some nationalized bank for a sum of Rs. Two lacs in the name of the complainant herein for a period of three years and furnish to the trial Court within a period of one month, who will disburse the same to the complainant, in case, she is found entitled to the same. In case, the proceedings before the trial Court remains pending beyond the period of three years, the said FDR be revalidated from time to time, if need so arises.

20.02.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.