

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

Crl. Misc. M 48656 of 2017 (O&M)
Date of decision: 14.12.2018

Rishi Dutt Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Navin Kumar Jha, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Chanchal K. Singla, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 1094 dated 25.9.2017, under Sections 498-A, 323, 377, 506 of the Indian Penal Code, registered at Police Station Ballabhgarh City, District Faridabad.

Learned counsel for the petitioner contends that the petitioner herein has been falsely implicated in the said case as it was a simple marriage and the complainant had taken back all her dowry articles when she left the matrimonial home. In fact, the complainant stayed in the

matrimonial home for merely ten days.

By order dated 9.2.2018, the parties were directed to appear before the Mediation and Conciliation Centre of this Court for an amicable resolution of the entire dispute between the parties. It is brought to the notice of this Court that mediation has failed.

Learned counsel for the complainant opposes the bail on the ground that approximately ₹25 lakhs were spent in the marriage and there is no recovery. It is also contended that there is a locker with the Vijay Bank, Buthnath Market, Lucknow, where the gold ornaments of the complainant have been kept by her in-laws.

I have heard learned counsel for the parties.

It appears that mediation is not possible. 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. Reference in this regard can be made to the judgment rendered **Anil Rajput Versus State of Haryana 2010 (6) RCR (Criminal) 1126.**

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit ₹9 lakhs 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 ₹9 lakhs be deposited with the Illaqa Magistrate, in lieu of the alleged recoveries within a period of one month from today, 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 the interim protection granted to the petitioner by order dated 20.12.2017 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 ₹9 lakhs in lieu of alleged recovery of *istridhan*. It is made clear that in case the amount of ₹9 lakhs is not deposited within the stipulated time, the complainant herein is entitled to seek revival of this petition.

14.12.2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No