

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

Crl. Misc. M-6503 of 2017 (O&M)
Date of Decision: October 16, 2018

Jai Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pankaj Kundra, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Raj Shekhar, Advocate
for respondents No.2 and 3.

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.260 dated 07.12.2016, under Sections 498-A, 406, 323, 506, 34 of the Indian Penal Code, registered at Police Station Women, Gurgaon.

There was an attempt made to mediate the parties and initially, it had been agreed that the petitioner herein would take his wife and the minor child back with him to reside at the matrimonial home. However, the said mediation process did not fructify. Even this court made every possible

effort to try and effect a conciliation between the parties, but somehow the same has not happened.

Learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer submits that there are verified bills of gold approximately amounting to ₹ 7 lacs, out of which there has been recovery of approximately ₹ 70,000/- of gold (which is towards a ring and a chain).

On the other hand, learned counsel appearing on behalf of respondents No.2 and 3 opposes the confirmation of anticipatory bail to the petitioner, on account of the fact that recoveries have not been effected.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit ₹ 6,00,000/- with the Illaqa Magistrate, in lieu of the alleged recoveries that are yet to be effected.

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.

In view of the above, let the amount of ₹ 6,00,000/- be deposited with the trial court/Illaqa Magistrate in favour of the complainant, in lieu of the alleged recoveries within a period of two weeks, which would be disbursed to the complainant in case, she 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 28.02.2017 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 ₹ 6,00,000/- within the stipulated period.

October 16, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No