

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

Crl. Misc. M- 9984-2017(O&M)

Date of Decision: November 02, 2018

Baljinder Singh

.....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE

Present:- Mr. DS Gandhi, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Upender Prasher, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of pre-arrest bail to the petitioner in FIR No. 5 dated 15.02.2017 under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Women, District Amritsar.

Learned counsel for the petitioner contends that in terms of the order dated 24.09.2018 the petitioner has handed over a sum of ₹5,000/- towards travelling expenses to the complainant.

Learned State counsel, on instructions from the Investigating Officer, submits that most of the dowry articles have been recovered except 8 tolas of gold, which is to be recovered from the petitioner.

Learned counsel for the petitioner submits that this is a matter

of evidence since the complainant has taken all articles with her. It is also contended that whatever was in their possession has already been handed over to the I.O., while contending that rest of the gold articles are in the possession of the complainant.

The matter was also referred for mediation before the Mediation and Conciliation Centre of this Court. It appears that the mediation process between the parties has failed.

I have heard the learned counsel for the parties and perused the pleadings of the case.

In view of the facts that part of the gold articles and other dowry articles have been recovered and handed over, this Court is not inclined to dis-allow the bail primarily on the ground that rest of the dowry articles have been handed over and only some gold articles have to be recovered and this is a matter of evidence which is to be led in the trial Court. Since the petitioner has joined the investigation, therefore, without commenting on the merits of the case, the petition is allowed and order dated 23.03.2017 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.

November 02, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No