

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

Crl. Misc. M-869 of 2018 (O&M)
Date of Decision: August 01, 2018

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vaneet Kumar Garg, Advocate
for the petitioner.

Ms. Seena Mand, DAG Punjab.

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.92 dated 05.08.2017, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Tapa, District Barnala.

By an order dated 12.01.2018, the petitioner had been directed to join the investigation. This court is informed that the petitioner did join the investigation, pursuant to the said order. The parties were also directed to appear before the Mediation and Conciliation Centre of this court, however, the mediation process has been failed.

Learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer submits that some of the gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

On this, learned counsel for the petitioner submits that pursuant to the order dated 12.01.2018 passed by this court, the petitioner had joined the investigation and whatever gold items the petitioner had in his possession, the same have already been returned.

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. Merely because recoveries of part of *Istridhan* are yet to be made, this court is not inclined to reject the petition. Denial of bail in normal circumstances cannot be used as a tool to effect recoveries

In view of the facts that the petitioner has joined the investigation, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 12.01.2018 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.

August 01, 2018

vijay saini

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes/No