

207.

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

CRM-M-4778-2019

Date of decision: 17.09.2019.

DILBAGH SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.2 dated 05.01.2019 registered under Sections 498-A, 406, 342 of IPC and Section 12 of Protection of Women from Domestic Violence Act, 2005 at Police Station Kathunangal, District Amritsar (Rural).

Counsel for the petitioner states that pursuant to the order dated 30.05.2019 passed by this Court, petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Amarjit Singh, states that though the petitioner has joined the investigation, but as per FIR, recovery of 3 ½ tollas of jewellery is required to be effected from him. At the same time, he further states that the complainant has not produced any bill in support of this jewellery.

I have heard counsel for the parties.

It being a marriage solemnized between the parties on 03.12.2006 and there are three children out of this marriage, and noticing the fact that the petitioner has joined investigation, but merely because some recovery is to be effected from him, is no ground to decline bail.

Hon'ble Supreme Court in ***Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836*** has held that recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of the wife/minor children can otherwise be protected. Similar view has also been taken by Hon'ble Supreme Court in ***Social Action Forum for Manav Adhikar and another Versus Union of India, Ministry of Law and Justice and others 2018 (4) R.C.R. (Criminal) 226.***

In view of above, present petition is allowed and the interim bail granted to the petitioner vide order dated 30.05.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

17.09.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.