

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-8832-2019

Date of Decision:19.12.2019

Samarjit Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Mukesh K. Sharma, Advocate for
Mr. Parveen K. Kataria, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Complainant-respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Pursuant to the order dated 13.12.2019, learned counsel for the petitioner has produced on record a communication signed by Nishkaam Sewa Society Social Group run by the Advocates, Punjab and Haryana High Court, Chandigarh along with an affidavit furnished by the petitioner. In the affidavit dated 13.12.2019, the petitioner has submitted his unconditional apology for sending certain documents directly to this Court in the matter with a further undertaking that he will distribute langar worth of Rs.75,000/- at PGI, Chandigarh, organized by Nishkaam Sewa Group for poor patients and their attendants. The documents are taken on record.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the

petitioner in FIR No.76 dated 25.01.2019 under Sections 323, 406, 498-A, 506, 34 IPC, registered at Police Station Civil Lines, Karnal, District Karnal.

Vide order dated 27.02.2019, arrest of the petitioner was stayed and the parties were directed to remain present in the Court on 25.04.2019.

Vide order dated 25.04.2019, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties have appeared there. As per report received from the Mediator, matter could not amicably be resolved between the parties. On 08.07.2019, the petitioner was admitted on interim bail and in the event of his arrest, the Arresting Officer was directed to release him on interim bail subject to its satisfaction with a further direction to the petitioner to join the investigation as and when directed by the Investigating Officer.

Learned counsel for the petitioner states that pursuant to the order dated 08.07.2019 passed by this Court, petitioner has joined the investigation.

At this stage, learned State Counsel, on instructions from ASI Tejpal, submits that recovery of some dowry articles including gold jewellery have been recovered in the case, but the complainant who is present in the Court, has disputed the recovery and stated that all jewellery given in the marriage have not fully been recovered.

Heard learned counsel for the parties.

Considering the fact that the petitioner has joined the investigation and this Court finds that non-recovery of dowry articles including jewellery, is not a ground to decline anticipatory bail to the petitioner.

Moreover, the Hon'ble Supreme Court in *Rajesh Sharma and others Versus State of U.P. and another, 2017(3) RCR (Criminal) 836* has held that merely because recovery of some articles is to be effected in matrimonial cases, is no ground to decline bail.

Since the petitioner has joined the investigation and the marriage was solemnized between the parties on 25.04.2010, the present petition is allowed and the interim bail granted to the petitioner vide order dated 08.07.2019 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.

However, the observations made hereinabove shall not be construed any expression on the merits of the case.

In case, the complainant proves entrustment of dowry articles, the trial Court shall consider the same in accordance with law.

December 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No