

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-9772 of 2019

Date of Decision: 16.10.2019

Gagandeep Bhargav

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

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 case FIR No.07 dated 23.01.2019 under Sections 498-A/406 IPC registered at Police Station Women Cell, Jalandhar.

Learned State counsel, on instructions from ASI Sohan Lal, has submitted that the petitioner has joined the investigation but recovery of some gold jewellery i.e. 1 bracelet and 1 ear ring is yet to be made in the case. He further submits that the complainant has not produced the bills in support of the jewellery.

I have heard learned counsel for the parties.

Hon'ble Supreme Court in the case of **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 the law laid down by the Apex Court and considering the fact that the petitioner has joined the investigation and the complainant has not produced any bills in support of the jewellery to be recovered, this Court finds that anticipatory bail cannot be declined solely on the ground that recovery is yet to be effected.

Accordingly, the present petition is allowed and the interim order dated 03.05.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

October 16, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No