

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

CRM-M-17299 of 2018.
Decided on:- May 21, 2019.

Balwinder Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Arshdeep Singh Sra, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.12 dated 30.03.2018 under Sections 498-A and 406 IPC registered at Police Station Women Cell, Bathinda, District Bathinda.

Vide order dated 26.04.2018, this Court, while referring the matter to the Mediation and Conciliation Centre of this Court, granted interim bail to the petitioner. However, no amicable settlement has been arrived at between the parties in mediation proceedings.

Learned counsel for the petitioner has argued that the petitioner is ready to stay with the complainant, but as the petitioner has to look after his old parents and unmarried sister, the complainant is not inclined to stay with his family and for this reason, the present FIR has been registered. Otherwise, recovery has already been got effected.

On the other hand, learned counsel for respondent No.2-complainant has argued that recovery of dowry articles and cash amount is yet to be effected.

Similar is the stand of learned State counsel. However, on instructions from ASI Dasbir Singh, learned State counsel has submitted that gold jewellery has been recovered.

Having heard learned counsel for the parties, this Court finds that merely because some recovery is required to be effected cannot be a ground to deny anticipatory bail to the petitioner particularly when the gold jewellery has already been recovered in the case. Moreover, it is during the course of trial, the prosecution is required to establish the entrustment of dowry to the petitioner.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated April 26, 2018 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.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial

Court shall decide the case without being influenced with these observations in any manner.

May 21, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No