

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

CRM-M-10615 of 2019.

Decided on:- December 13, 2019.

Harbhajan Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. J.S. Thakur, Advocate
 for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.9 dated 31.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Jalandhar Commissionerate.

Learned counsel for the petitioner states that the petitioner is father-in-law of the complainant and in pursuance to the order dated March 08, 2019 passed by this Court, he has joined the investigation.

Learned State counsel, on instructions from ASI Tarsem Kaur, has contended that though the petitioner has joined the investigation, but the recovery of one gold ring is required to be effected from the petitioner.

Having heard learned counsel for the parties, this Court finds that merely because recovery of one gold ring is required to be effected cannot be

a ground to deny anticipatory bail to the petitioner. Further, the petitioner is the father-in-law of the complainant and it is during the course of trial, the prosecution is required to establish the entrustment of dowry to the petitioner.

Moreover, 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*.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated March 08, 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.

December 13, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No