

227.

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

**CRM-M-11742-2019**

Date of decision: 26.08.2019.

HARBHAJAN SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

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

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Present: Mr. Inder Pal Singh, Advocate,  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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**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.38 dated 09.02.2019 registered under Sections 406, 498-A, 377, 511 of IPC at Police Station City Tarn Taran, District Tarn Taran.

Vide order dated 14.03.2019, while issuing notice of motion in the case, petitioner was granted interim bail, subject to the conditions laid down under Section 438(2) of Cr.P.C.

Petitioner is father-in-law of the complainant. He is stated to have joined the investigation.

However, learned State counsel, on instructions from ASI Baldeep Singh, states though the petitioner has joined the investigation, but total recovery has not yet effected in the case.

I have heard counsel for the parties.

Merely because recovery of some articles is to be effected, cannot be a 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 14.03.2019 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**

26.08.2019  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |