

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

**AT CHANDIGARH**

**Criminal Misc. No.M-12866 of 2019**

**Date of Decision: 06.09.2019**

Sanjiv Kumar

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. C.L. Verma, Advocate  
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Charanpreet Singh, Advocate  
for respondent no.2-complainant.

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**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.31 dated 6.2.2019 under Sections 406/498-A IPC registered at Police Station Women Cell, Ludhiana, District Ludhiana.

Learned counsel for the petitioner states that pursuant to order dated 28.5.2019 of this Court, the petitioner has joined the investigation.

Even the matter was referred to the Mediation and Conciliation of this Court but the parties could not settle their dispute, though the petitioner is ready to take his wife to her matrimonial home.

Learned State counsel, on instructions from ASI Satnam Singh, does not dispute the fact that the petitioner has joined the investigation.

On the other hand, counsel for the complainant submits that recovery of one ring is yet to be effected. He further submits that during the pendency of the present petition, offence under Section 323 IPC has been added.

In order to controvert the argument raised on behalf of the complainant, counsel for the petitioner has agued that even the gold articles given to the complainant in the marriage are with the complainant.

I have heard learned counsel for the parties.

Admittedly, the petitioner has joined the investigation, but at the same time, the complainant has not supplied the bills in support of ring etc. Therefore, merely because recovery of one gold ring is to be effected, anticipatory bail cannot be declined. As far as offence under Section 323 IPC is concerned, the same being bailable one, cannot be any impediment for grant of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and the interim order dated 28.05.2019 is made absolute.

September 06, 2019  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No