

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

CRM-M-16662 of 2019.

Decided on:- September 20, 2019.

Mukesh and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Chanderhas Yadav, Advocate for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Ashok Arora, Advocate for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

The petitioners have filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of their arrest in FIR No.612 dated 21.12.2018 under Sections 323, 506 and 498-A read with Section 34 IPC registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioners states that the petitioners are parents-in-law of respondent No.2-complainant and in pursuance to the order dated July 11, 2019 passed by this Court, they have joined the investigation.

On the other hand, learned counsel for respondent No.2-complainant has argued that recovery of dowry articles is yet to be effected from the petitioners. Memo of Appearance filed on behalf of respondent No.2 in Court today, is taken on record.

Similarly, learned State counsel, on instructions from ASI Manjit Singh, states that though the petitioners have joined investigation, but recovery of dowry articles is yet to be effected from them.

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 petitioners. Further, the petitioners are the parents-in-law of respondent No.2-complainant and it is during the course of trial, the prosecution is required to establish the entrustment of dowry to the petitioners.

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 petitioners vide order dated July 11, 2019 is made absolute.

However, if required, the petitioners 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.

September 20, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No