

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

**Criminal Misc. No.M-35030 of 2018
Date of Decision: 07.02.2019**

Jarnail Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. HPS Ghuman, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

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.06 dated 12.01.2018 under Sections 498-A, 406 IPC registered at Police Station Subhanpur, District Kapurthala.

This Court had passed the following order on 18.09.2018:-

“Learned counsel for the petitioner contends that in pursuance of the order dated 16.08.2018, the petitioner has joined the investigation and prays for confirmation of the said order.

An appearance has been caused by Ms. Rajni Gupta, Sr. DAG, Punjab on account of respondent-State, who opposes the grant of anticipatory bail to the petitioner while submitting that as on date the petitioner has not returned any of the dowry articles.

Faced with this, learned counsel for the petitioner submits that the petitioner would present himself before the

Investigating Officer and return all the dowry articles received in the marriage.

Adjourned to 01.11.2018.

The petitioner is directed to appear before the Investigating Officer join the investigation on 24.09.2018 at 11.00 a.m.

Interim order to continue.”

Learned State counsel, on instructions from ASI Devinder Singh, submits that pursuant to order dated 18.09.2018, the petitioner has neither joined the investigation on 12.11.2018, as directed by this Court, nor returned the dowry articles.

Learned counsel for the petitioner has referred to judgment of Hon'ble the Apex Court in the case of **Rajesh Sharma & ors. Vs. State of UP & another 2017(3) RCR (Criminal) 836.**

I have heard learned counsel for the parties.

Considering the fact that the petitioner had himself volunteered to appear before the IO and return all the dowry articles and thereafter, he has resiled from his statement, this Court is not inclined to admit the petitioner on anticipatory bail. The judgment in the case of **Rajesh Sharma** (*supra*) is not applicable in the case for the reason that on 18.09.2018, the petitioner had undertook to hand over the dowry articles, but he has neither handed over the dowry articles nor even appeared before the Investigating Officer to join investigation.

Accordingly, the present petition is dismissed.

February 07, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No