

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

CRM-M-17902 of 2019.

Decided on:- April 23, 2019.

Muskan Gupta.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. G.C. Shahpuri, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439(2) Cr.PC for cancellation of anticipatory bail granted to respondent No.2 vide order dated 26.03.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Panchkula in FIR No.13 dated 25.01.2019 under Sections 323, 406, 377, 498-A and 506 IPC registered at Police Station Women, Panchkula.

Learned counsel for the petitioner-complainant has argued that recovery of the entire dowry articles has not been effected and, therefore, the anticipatory bail granted to respondent No.2-accused is liable to be cancelled.

I have heard learned counsel for the petitioner.

Perusal of order dated 26.03.2019 passed by learned Additional Sessions Judge, Panchkula shows that the petitioner-complainant has refused

to sign the memo of identification of the dowry articles on the ground that all the dowry articles have not been recovered.

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.***

Therefore, the argument of learned counsel for the petitioner-complainant that the recovery of entire dowry articles has not been effected so far, is no ground to cancel the anticipatory bail granted to respondent No.2 vide order dated 26.03.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Panchkula.

The present petition is, accordingly, dismissed.

April 23, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No