

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

**CRM M-18422 of 2019
Date of Decision: August 26, 2019**

Jugal Kishore

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off anticipatory bail
application under Section 438 Cr.P.C. moved in FIR No. 12
dated 14.03.2019 under Sections 498-A and 406 IPC
Police Station Sadar Pathankot, District Pathankot, Punjab.

The brief allegations in this anticipatory bail application of accused/petitioner husband Jugal Kishore have been levelled by Dimple. In her complaint, the complainant alleges that marriage between the couple was solemnized on 21.02.2015 and her parents had given sufficient dowry but the accused were not happy with the same and often taunted and abused her and had raised demands of a Alto car and on refusal and inability of the complainant to fulfill the same, she was thrown out of the matrimonial home leading to the registration of the case.

Learned counsel for the petitioner *inter alia* contends that a bare perusal of the allegations levelled in the FIR shows that neither there is any element of entrustment of articles of *Istridhan* much less any criminal breach of trust and, thus, nothing is to be recovered.

Mr. Harbir Sandhu, AAG, Punjab learned State counsel assisted by ASI Malkiat Singh though he does not

differ over the facts that have been canvassed at the bar by the counsel for the petitioner but has stoutly opposed the grant of the bail on the ground that recovery of the dowry articles is yet to be made.

In the light of what has been contended before this Court and the fact that a bare perusal of the allegations do not either bear out any allegations of entrustment of articles of *Istridhan*, their details or refusal of the accused to return the same leading to its criminal breach of trust. Further, the trial is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

August 28, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No