

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-39151 of 2018

Date of Decision: 19.11.2019

Sahil Goyal

...Petitioner (s)

Versus

State of Haryana & another

...Respondent(s)

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

Present:- Mr. S.D. Bansal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. G.S. Sandhu, Advocate
for respondent no.2.

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.0079 dated 15.08.2018 under Sections 323, 406, 506, 498-A IPC registered at Women Police Station Ambala.

Vide order dated September 07, 2018, the petitioner was granted interim bail by this Court and thereafter, the matter was referred to the Mediation and Conciliation Centre. However, the mediation proceedings could not succeed.

Learned counsel for the petitioner states that pursuant to order dated 07.09.2018, 16.11.2018 and 07.05.2019 of this Court, the petitioner has joined investigation.

Mr. G.S. Sandhu, Advocate has put in appearance on behalf of the complainant and filed his power of attorney in Court, which is taken on record. He has submitted that only two gold rings have been recovered whereas recovery of about 60 grams of gold articles is yet to be made from the petitioner.

I have heard learned counsel for the parties.

Admittedly, the petitioner has joined the investigation, though recovery of some gold articles is yet to be effected from him, which is probability a debatable issue and the same may not be an impediment for grant of anticipatory bail to the petitioner. Reference may be made to judgment of Apex Court in the case of ***Rajesh Sharma and others Versus State of U.P. and another*** 2017(3) RCR (Criminal) 836, wherein it has been 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.

In view of above, the present petition is allowed and the interim order dated 07.09.2018 is made absolute, however, in order to safeguard the interest of the complainant, it is ordered that this order will be subject to the condition that the petitioner shall deposit a sum of

Rs.2,00,000/- before the trial Court within one month from today towards the alleged recovery of gold jewellery. The disbursement of this amount shall be based on the outcome of the trial. In case the petitioner is convicted in the trial, the said amount be disbursed to the complainant, however, in case the petitioner is acquitted, he shall be entitled to get the said money released from the trial Court.

The petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

November 19, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No