

209.

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-39208-2018

Date of decision: 25.07.2019.

MANJU MAHINDRU

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

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

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Present: Mr. Bikramjit Aroura, Advocate,  
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr.A.S. Manaise, Advocate,  
for the complainant.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.03 dated 08.03.2018 registered under Sections 406/498-A of IPC at Police Station Women Cell, Police Commissionerate, Amritsar.

Vide order dated 07.09.2018, while issuing notice of motion in the case, petitioner was granted interim bail, subject to the conditions laid down under Section 438(2) of Cr.P.C.

Learned State counsel, on instructions from SI Rajak Singh, states that the petitioner, who is mother-in-law of the complainant, is already residing in an old age home.

However, this fact is disputed by the counsel for the complainant. He states that recovery of gold articles is yet to be effected.

The whereabouts of the husband are not known.

I have heard counsel for the parties.

Merely because recovery of some articles is to be effected, cannot be a ground to decline bail.

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.***

In view of above, present petition is allowed and the interim bail granted to the petitioner vide order dated 07.09.2018 is made absolute.

However, if required, the petitioner 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.

**(HARI PAL VERMA)**  
**JUDGE**

25.07.2019  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |