

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-43898-2018

Date of Decision:20.09.2019

Kirpal Yadav

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Narinder Kumar Vadehra, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Dheeraj Mahajan, 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 FIR No.16 dated 07.02.2018 under Sections 498-A, 406 IPC, registered at Police Station Dhariwal, District Gurdaspur.

Vide order dated 05.10.2018, 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.

Pursuant to the aforesaid order, petitioner is stated to have joined the investigation.

However, learned State counsel submits that though the petitioner has joined the investigation, but recovery of 30 gms. jewellery is

yet to be effected in the case.

Heard learned counsel for the parties.

It being a marriage of 2012 and FIR has been registered on 07.02.2018, merely because recovery of 30 gms. jewellery 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 05.10.2018 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.

September 20, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No