

102.

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

CRM-M-43940-2018 (O&M)

Date of decision: 22.10.2019.

JAGMOHAN

... Petitioner

versus

STATE OF HARYANA & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana, for respondent No.1.

Mr. Vinod Khunger, Advocate, for respondent No.2.

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.327 dated 28.08.2018 registered under Sections 323, 406, 498-A and 506 read with Section 34 of IPC at Police Station Dadri City, District Charkhi Dadri.

This Court, vide order dated 05.10.2018, had ordered the petitioner to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer.

It being a matrimonial dispute and the second marriage of the petitioner, the matter was referred to the Mediation and Conciliation Centre of this Court on different dates. However, as per the reports dated 29.01.2019, 11.04.2019 and 30.05.2019 received from the Mediator, mediation failed in the case.

Counsel for the complainant has argued that recovery including jewellery, dowry articles and cash given in the marriage, is yet to be recovered in the case.

This Court, vide order dated 15.07.2019, had directed that in case the Investigating Officer receives the bills/photographs in support of the allegation made by counsel for the complainant, the petitioner would be called for investigation. Still vide order dated 28.08.2019, the case was adjourned for today with a further direction that in case the complainant wishes to produce any bill of the jewellery, she would be at liberty to place on record the same before the adjourned date. However, no such bill has been produced.

Even the learned State counsel, on instructions from ASI Indu Bala, states that the petitioner was called for investigation and the complainant was also asked to submit bills in support of her allegation that jewellery and money was given in the marriage, but no such bill has been produced.

I have heard counsel for the parties.

Despite of opportunity granted to the complainant to submit bills/photographs in support of their allegation, no such bills have been given to the I.O.

Considering the fact that the petitioner has joined the investigation and merely because some recovery is to be effected from him, is no ground to decline bail as held by the Hon'ble Supreme Court in ***Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.***

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.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

22.10.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.