

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-4502-2018

Date of Decision:16.05.2019

Gurpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Rajdeep Singh Gill, Advocate for
Mr. P.S. Sekhon, Advocate,
for the petitioner.**

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Mohit Sadana, Advocate, for the complainant.

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.04 dated 06.01.2018 under Sections 498-A, 506, 34 IPC, registered at Police Station Lehra, District Sangrur.

Vide order dated 05.02.2018, petitioner was admitted on interim bail. Thereafter, as some recoveries were required to be effected, vide order dated 27.03.2019, petitioner was again directed to appear before the Investigating Officer on 28.03.2019 at 11.00 AM to join the investigation.

Learned counsel for the petitioner states that pursuant to the aforesaid order, petitioner has joined the investigation and nothing is to be

recovered from him.

Learned State counsel, on instructions from ASI Malkiat Singh, submits that the petitioner has joined the investigation and recovery of Rs.80,000/- has been effected from the petitioner.

At this stage, learned counsel for the complainant-respondent No.2 has argued that 16 tolas gold is yet to be recovered from the petitioner.

Heard learned counsel for the parties.

When learned counsel for the complainant was directed to produce on record bills, no such bills of this quantity have been produced before this Court.

The petitioner has joined the investigation. Though as per the complainant, some gold recovery is required to be effected in the case, however, anticipatory bail cannot be declined on this ground alone. The complainant is yet to establish the said quantity during the course of trial.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated 05.02.2018 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.

Learned counsel for the complainant has further argued that litigation expenses to the tune of Rs.22,000/- as directed by this Court, has not been released by the petitioner, though, the petitioner has deposited the said amount with the Registry. Accordingly, the amount so deposited with the Registry be released forthwith in favour of the complainant.

May 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No