

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-47824-2018

Date of Decision:19.08.2019

Sumit

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Gaurav Tyagi, 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.97 dated 17.08.2018 under Sections 498-A, 323, 506, 376, 511, 377 IPC, registered at Police Station Bapoli, District Panipat.

Learned counsel for the petitioner states that during the course of investigation, the offence under Sections 376 read with Section 511 and 377 IPC were deleted in the case. He further states that pursuant to the order dated October 31, 2018 passed by this Court, petitioner has joined the investigation and has produced the dowry articles before the investigating officer, but the complainant has refused to accept those dowry articles.

Learned State counsel, on instructions from ASI Hemraj, does

not dispute the aforesaid fact. However, she states that since the

complainant has not accepted all the dowry articles, the same are lying with the petitioner.

Learned counsel for the complainant, on instructions from his client, respondent No.2-Priyanka who is present in the Court, states that she is interested to stay in her matrimonial home and it is for this reason she has not taken back the dowry articles.

Heard learned counsel for the parties.

Considering the fact that the petitioner has offered recovery of dowry articles during the course of investigation, but the complainant has not come forward to take back those dowry articles, this Court finds that the petitioner has sufficiently joined the investigation. Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated October 31, 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.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

August 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No