

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

CRM-M-27636 of 2019.

Decided on:- September 23, 2019.

Harjinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

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Present:- Mr. Agam Jund Mullanpur, Advocate  
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

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

The petitioner have filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.91 dated 04.05.2019 under Sections 498-A, 406 and 506 IPC registered at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner states that in pursuance to the order dated July 03, 2019 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Satpal, states that though the petitioner has joined investigation, but recovery of Rs.2 lakh as demanded by the petitioner and paid by the complainant is yet to be effected.

I have heard learned counsel for the parties.

It being a marriage of 2007, the demand of dowry after about 12 years of marriage not only seems to be unrealistic, rather in view of the law laid down by Hon'ble Supreme Court in ***Rajesh Sharma and others Versus***

*State of U.P. and another 2017(3) RCR (Criminal) 836*, this Court finds that merely because some recovery is required to be effected cannot be a ground to deny anticipatory bail to the petitioner. It is during the course of trial, the prosecution is required to establish the entrustment of dowry to the petitioner.

In *Rajesh Sharma and others' case (supra)*, Hon'ble Supreme Court 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*.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated July 03, 2019 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 23, 2019**  
Yag Dutt

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

Whether speaking/reasoned: Yes

Whether Reportable: No