

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-27613 of 2019

Date of Decision: 27.11.2019

Krishna Devi & another

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Pranav Handa, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

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 petitioners in case FIR No.52 dated 26.05.2019 under Sections 406, 498-A, 323, 494, 495, 120-B IPC registered at Police Station Sadar Gurdaspur.

Memo of appearance filed on behalf of the petitioners is taken on record.

Learned counsel for the petitioners states that pursuant to order dated 10.09.2019 of this Court, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Kuldeep Singh, does not dispute the aforesaid fact. However, he submits that though no recovery is required to be effected from petitioner no.2, who is

sister-in-law (*Jethani*) of the complainant, but recovery of one gold ring weighing 4 grams is yet to be effected from petitioner no.1.

I have heard learned counsel for the parties.

Admittedly, the petitioners have joined the investigation, though recovery of a gold ring is yet to be effected from petitioner no.1, which is probability a debatable issue and the same may not be an impediment for grant of anticipatory bail to the petitioner. Reference may be made to judgment of Apex Court in the case of ***Rajesh Sharma and others Versus State of U.P. and another*** 2017(3) RCR (Criminal) 836, wherein it has been 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.

In view of above, the present petition is allowed and the interim order dated 10.09.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

November 27, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No