

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-30653 of 2019

Date of Decision: 29.10.2019

Dhian Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. J.S. Mahal, 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 case FIR No.66 dated 22.06.2019 under Sections 498-A, 406 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner states that the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Kuldip Singh, does not dispute the fact that the petitioner has joined the investigation.

However, he submits that recovery of 15 grams of gold jewellery is yet to be made.

I have heard learned counsel for the parties.

Admittedly, the petitioner has joined the investigation. Moreover, in the petition filed by the husband of the complainant i.e. CRM-M-36290-2019, the mediation proceedings are going on before this Court.

In view of law laid down by Hon'ble Supreme Court in the case of **Rajesh Sharma and others Versus State of U.P. and another** 2017(3) RCR (Criminal) 836, wherein it has held that recovery of disputed dowry items may not by itself be a ground for denial of bail, the present petition is allowed and the interim order dated 22.07.2019 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.

October 29, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No