

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-35212 of 2019

Date of Decision: 24.10.2019

Gurdev Singh & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Sanjiv Kumar Sharma, Advocate for
Mr. S.K. Bokolia, 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.47 dated 04.07.2019 under Sections 498-A, 406 IPC registered at Police Station Sekhwan, District Batala.

Learned counsel for the petitioners states that pursuant to order dated 28.08.2019 of this Court, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Barjinder Singh, does not dispute the aforesaid fact. However, he submits that the recovery gold articles is yet to be recovered.

I have heard learned counsel for the parties.

Admittedly, the petitioners have joined the investigation, though recovery of gold articles is yet to be effected from them, which is probability a debatable issue and the same may not be an impediment for grant of anticipatory bail to the petitioners. 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. 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.

In view of above, the present petition is allowed and the interim order dated 28.08.2019 is made absolute.

However, the petitioners 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 24, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No