

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-7579-2019 (O&M)

Date of Decision: February 11, 2020

Davinder Rana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishal Munjal, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab.

Mr. Virender Pradeep Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 03 dated 09.01.2019 under Section 498-A, 406, 354, 354-A, 354-B, 120-B of the Indian Penal Code, registered at Police Station Shahpurkandi, Tehsil and District Pathankot.

Learned counsel for the petitioner contends that the petitioner is

falsely implicated in the present case and on the direction of this Court, has joined the investigation. It is also contended that nothing is to be recovered from him.

Learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant submit that as per the complainant some gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail.

I have heard learned counsel for the parties.

There are plethora of judgments to the effect that bail should not be denied only on account of the fact that recoveries have not been made.

At this stage, learned counsel for the petitioner-husband submits that the petitioner is ready to deposit another sum of ₹02 lacs with the trial Court, in lieu of the alleged recoveries that are yet to be effected.

In view of the above, let another sum of ₹02 lacs be deposited with the trial Court, in lieu of the alleged recoveries within a period of four weeks, to be disbursed to the complainant in case, the complainant is successful in her allegations, failing which the amount will be refunded to the petitioner.

With the aforesaid directions, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 20.02.2019 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of

the Code of Criminal Procedure. In case of failure of the petitioner to comply with the conditions aforesaid, the relief granted herein shall be deemed to be withdrawn.

February 11, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No