

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

**Crl. Misc. M- 18788-2018 (O&M)
Date of Decision: January 24, 2020**

Atul Brahmi

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, Asstt. A.G., Punjab.

Mr. S.K. Sharma, Advocate
for the complainant-respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 50 dated 21.03.2018 under Sections 406, 498-A Indian Penal Code registered at Police Station Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has duly joined the investigation and has handed over the dowry articles on 24.05.2018 as would be evident from the affidavit that has been filed.

Learned State counsel, on instructions from the Investigating Officer, submits that though some recoveries have been made, however, gold items worth approximately 10 *tolas* are yet to be recovered for which

bills have been submitted by the complainant.

Learned counsel for the complainant would submit that under the garb to settle the matter, the petitioner herein has obtained interim protection earlier when it came to the actual mediation process to re-settle with the complainant. It is argued that even in this Court, an offer had been made by the petitioner to re-settle the matter, which was never followed through. Learned counsel further opposes the confirmation of the anticipatory bail on the ground that the petitioner herein has failed to resettle the dispute inter-se parties.

I have heard learned counsel for the parties and have taken note of the contentions as raised. Admittedly, an attempt was made to have the parties re-conciled which has not fructified. On this ground alone, this Court cannot deny the concession of pre-arrest but since the petitioner has joined the investigation and has handed over some part of the dowry articles.

At this stage, learned counsel for the petitioner would submit that he would furnish an FD for a sum of ₹3 lacs within a period of one month in lieu of the alleged items yet to be recovered.

In view of the facts that the petitioner has joined the investigation and has partly handed over the dowry articles and undertakes to furnish a fixed deposit amounting to ₹03 lacs within one month with the trial Court/Illaqa Magistrate, without commenting on the merits of the case, the petition is allowed and order dated 04.05.2018 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. It is made clear that in case complainant is successful in establishing her claim in the proceedings initiated under the FIR, the said amount would be disbursed to her, otherwise the petitioner would be entitled for the refund of the same alongwith interest accrued thereon . In case the petitioner fails to deposit the said amount with the prescribed time, the anticipatory bail granted to the petitioner shall stand cancelled.

January 24, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No