

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-31107 of 2019

Date of Decision: 28.02.2020

Jashveer Sharma @ Jashveer Singh Devgan & another

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Arvind Rajotia, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Ms. Sunaina, Advocate
for respondent no2.

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.48 dated 22.05.2019 under Sections 406/498-A/354 IPC registered at Police Station Banur, District Patiala (Now, SAS Nagar).

Vide order dated 01.10.2019, while granting interim bail to the petitioners, they were directed to join investigation.

Learned counsel for the petitioners states that pursuant to order dated 01.10.2019 of this Court, the petitioners have joined investigation.

Learned counsel for the complainant as well as learned State counsel have submitted that no doubt, the petitioners have joined the investigation, but recovery of 3 gold rings weighting about 10 grams is yet to be recovered in the case.

However, counsel for the petitioners has controverted the claim of the complainant as far as recovery of 2 gold rings is concerned. He has submitted that in fact, the complainant had taken two rings at the time when she left her matrimonial home. However, one ring, which was given to maternal uncle of the petitioner, shall be returned to her, as and when his maternal uncle returns back from Australia.

I have heard learned counsel for the parties.

Admittedly, pursuant to order dated 01.10.2019 of this Court, the petitioner has joined the investigation. However, as far as the contention raised on behalf of counsel for the complainant as well as learned State counsel to the effect that certain recoveries are still to be effected in the case, this Court finds that merely because some recovery is yet to be effected, is no ground to decline anticipatory bail to the petitioner. Reference may be made to judgment of Hon'ble the Apex Court in the case of **Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.** However, in order to protect the interest of the parties, this Court is of the view that at this stage, the present petition may

be allowed subject to the condition that the petitioner no.1 shall deposit an amount of Rs.40,000/- with the trial Court within one month from today.

Accordingly, the order dated 01.10.2019 passed by this Court is made absolute, subject to deposit of Rs.40,000/-, by way of two FDRs of Rs.26,500/- and Rs.13,500/-, with the trial Court within one month from today. In case petitioner no.1 returns one ring, lying with his maternal uncle, he shall be entitled to withdraw one FDR of Rs.13,500/- forthwith. However, withdrawal of the FDR of Rs.26,500/- shall be subject to the outcome of the litigation pending between the parties. To be more specific, in case the petitioner no.1 is acquitted in the trial, he shall be entitled to claim the aforesaid amount of money, however, in the event of conviction of petitioner no.1, the said money shall go to respondent no.2.

Disposed of.

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.

February 28, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No