

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

CRM-M-31983 of 2019 (O&M)

Date of Decision: February 18, 2020

Vishal Pratap

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Kaushik, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

Mr. Jasneet Mehra, 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 FIR No.81 dated 04.06.2019, registered under Sections 498-A, 323, 406s, 506, 34 of Indian Penal Code at Women Police Station NIT, Sector 21-A, Faridabad.

Counsel for the petitioner submits that pursuant to the order passed by this court, the petitioner herein has joined the investigation and nothing is to be recovered from him.

On the other hand, counsel for the complainant would submit that though some of the dowry articles have been recovered, in fact, gold

items and other household articles are still in the custody of the petitioner.

Per contra, counsel for the respondent-State would submit that though the petitioner herein did join the investigation, however, recoveries qua the gold items are yet to be effected.

I have heard all the three counsel for the parties and also perused the police record.

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

Since the petitioner herein has joined the investigation and most of the dowry articles other than the gold items have been recovered, the petitioner herein is directed to deposit an amount of ₹ 2,50,000/- in the name of the complainant in the shape of an FDR with some nationalized bank fetching higher interest with the trial court/Illaqa Magistrate within a period of one month from today, in lieu of the alleged recovery of the gold items. It is made clear that the said amount of ₹ 2,50,000/- would be disbursed to the complainant in case, she would be successful in her allegations, otherwise it would be returned to the petitioner.

At this stage, without commenting on the merits of the case, the petition is allowed with the aforesaid directions and order 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.

Needless to say, in case, the petitioner herein fails to comply with the aforesaid direction within the stipulated period of one month, the

instant petition shall be deemed to be dismissed and the respondent-State shall be at liberty to proceed against him in accordance with law.

February 18, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No