

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

CRM-M-33510 of 2019 (O&M)
Date of Decision: March 04, 2020

Ankush Jindal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Anil Chaudhary, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate
for respondent No.2.

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.27 dated 28.06.2019, registered under Sections 498-A, 406 of Indian Penal Code at Police Station Women Cell, District Bathinda.

Learned counsel for the petitioner would submit that the petitioner is falsely implicated in the present case and on the direction of this court, has joined the investigation. It is submitted that nothing is to be recovered from him.

Per contra, learned State counsel, on instructions from the Investigating Officer, would submit that though the petitioner has joined the

investigation, however, recovery qua gold articles amounting to approximately ₹ 8 lacs is yet to be effected.

On the other hand, learned Senior counsel for the complainant also opposes the confirmation of anticipatory bail of the petitioner on the ground that recovery qua gold articles is yet to be effected.

I have heard counsel for the parties.

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 has joined the investigation and it is stated that alleged gold articles are yet to be recovered, the petitioner herein is directed to deposit an amount of ₹ 8,00,000/- in the name of the complainant in the shape of an FDR with some nationalized bank fetching higher interest with the trial court/Illaq Magistrate within a period of six weeks from today, in lieu of the alleged recovery of the gold items. It is made clear that the said amount of ₹ 8,00,000/- 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 dated 20.08.2019 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.

Needless to say, in case the petitioner herein fails to comply with the aforesaid directions within the stipulated period, 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.

March 04, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No