

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

CRM-M-35436 of 2019 (O&M)

Date of Decision: February 26, 2020

Varun Arora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Bawa, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Mr. Ashdeep 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 FIR No.24 dated 24.07.2019, under Sections 498-A, 406 of the Indian Penal Code, registered at Police Station Women, District Police Commissionerate, Amritsar.

By an order dated 29.08.2019, the parties were directed to appear before the Mediation and Conciliation Centre of this court, however, the mediation process remained unsuccessful.

Learned State counsel as well as counsel for the complainant submit that recovery of some of the gold articles is yet to be made.

I have heard learned 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 most of the dowry articles other than some of the gold items have been recovered, the petitioner herein is directed to deposit an amount of ₹ 5,00,000/- 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 one month from today, in lieu of the alleged recovery of some of the gold items. It is made clear that the said amount of ₹ 5,00,000/- 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 direction 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 26, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No