

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-17 of 2019

Date of Decision: 10.02.2020

Kulwinder Singh

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Dr. Anand K. Bishnoi, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. N.K. Vashisht, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438(1) of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.207 dated 02.12.2018 under Sections 498-A/406 IPC registered at Police Station Sadar Dhuri, District Sangrur.

Vide order dated 05.03.2019, the matter was referred to the Mediation and Conciliation Centre of this Court. However, as per the report of the mediator, the mediation remained unsuccessful.

Learned counsel for the petitioner has argued that pursuant to order dated 16.12.2019, the petitioner has joined the investigation.

This fact is not disputed by the State counsel.

However, at this stage, counsel for the complainant has submitted that recovery of gold articles and cash amount of Rs.4.5 lakhs is yet to be recovered in the case. He has also submitted that a decree of divorce has been granted in favour of the complainant on 27.08.2019.

I have heard learned counsel for the parties.

As per the complainant, the recovery of gold articles and cash amount of Rs.4.5 lakhs is yet to be recovered in the case, but in absence of bills, this Court finds that the said fact is required to be established during trial. Moreover, the marriage between the parties was solemnized on 17.11.2013, whereas the present FIR was registered on 02.12.2018. Merely because recovery is yet to be effected, is no ground to decline anticipatory, as held by Hon'ble Apex Court in the case of **Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836.**

Considering the fact that the petitioner has joined investigation, the present petition is allowed and the interim order dated 30.08.2019 is made absolute.

However, the petitioner 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 10, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No