

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-68-2020O&M)
Decided on : 15.12.2021**

Manpreet Singh

..... Petitioner

Versus

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Ms. Jaspeet Kaur, AAG, Punjab.

Mr. PBS Goraya, Advocate
for respondent No. 2/complainant.

MANJARI NEHRU KAUL, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.41 dated 22.11.2019 under Sections 406 and 498-A IPC, registered at Police Station Women Cell, Amritsar, District Amritsar.

Learned counsel for the petitioner submits that on account of a matrimonial dispute between the parties, FIR in question was registered against the petitioner by the complainant, wherein allegations of physical and mental harassment were levelled against him for not satisfying his dowry demands. Learned counsel for the petitioner submits that unfortunately the parties failed to amicably settle their dispute before the Mediation and Conciliation Centre of this Court. He further submits that pursuant to order dated 08.01.2020, passed by this Court, the petitioner has joined investigation and handed over all the dowry articles which were in his possession including a car which was given at the time of marriage.

Learned State counsel, assisted by learned counsel for the complainant on instructions from ASI Tajinder Singh, does not dispute the

factum of the petitioner having joined investigation. He, however, submits that the petitioner has not cooperated with the investigation, as recovery of gold ornaments of approximately 220 grams is yet to be effected.

I have heard learned counsel for the parties and perused the material on record.

No doubt, in case the accused does not cooperate with the investigating agency, an adverse inference can be drawn against him, however, the State must spell out as to in what manner the accused has failed to cooperate with the investigating agency. Mere non-recovery of some disputed dowry items cannot by itself be a ground for denial of bail as has also been observed by the Hon'ble Supreme Court in case ***Writ Petition (Civil) No. 73 of 2015, titled as, "Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice'* decided on 14.09.2018.**

In view of the above, the petition is allowed and interim order dated 08.01.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

15.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No