

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

208

**CRM-M-3141-2020
Decided on : 07.12.2021**

Harpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. A.P.S. Rehan, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Gurmukh Singh.

Mr. N.K. Vadehra, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 77, dated 28.12.2019, lodged under Sections 406, 498-A, 120-B of IPC, registered at Police Station Ghuman Kalan, District Gurdaspur (Annexure P-1).

Learned counsel for the petitioner submits that in compliance of order dated 24th August, 2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, 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 is yet to be effected.

On a pointed query put to learned State counsel as well as learned counsel for the complainant, as to what demands of gold jewellery

were alleged in the FIR and what jewellery was entrusted to the petitioners pursuant to the alleged demand, they have failed to bring to the notice of this Court any such alleged demand, much less, entrustment in the FIR in question.

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 the facts and circumstances as enumerated hereinabove, the instant petition is allowed and interim order dated 24th August, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 07, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No