

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-7265-2021
Decided on : 29.07.2021

Abhineet Sharma

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. PP, UT, Chandigarh.

Mr. Dheeraj Kumar, Advocate
for the 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.78 dated 20.11.2020 under Sections 498A, 506 IPC 1860 (Section 506 IPC be read as Section 406 IPC vide order dated 22.02.2021) registered at Police Station Women District Chandigarh.

Learned counsel for the petitioner states that pursuant to order dated 05.04.2021, passed by this Court, the petitioner has joined the investigation. This fact is not disputed by the counsel for the State as well.

Learned State counsel on instructions from ASI Sanjiv Kumar states that though the petitioner has joined the investigation, however, recovery of dowry articles as detailed in the FIR in question has not yet been effected.

Heard.

Learned counsel for the petitioner has on the other hand refuted the instructions received by the Standing Court that recovery of dowry articles including gold jewellery has not been effected.

While drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1), learned counsel has submitted that since it was a love-cum-arranged marriage and solemnized at a booth next to the bus stand, exaggerated allegations had been levelled by the complainant qua the dowry articles given at the time of marriage. He submits that all the dowry articles including gold jewellery stand returned and the petitioner was not in possession of any articles.

Heard.

Demand and entrustment of dowry articles as alleged are disputed questions of fact which cannot be gone into by this Court at this stage and shall be considered when the parties adduce their respective evidence during trial.

In view of the above, the petition is allowed and interim order dated 05.04.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

29.07.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No