

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 15.09.2021

1. CRM-M- 11022-2021 (O&M)

Hakam Ali and another

..... Petitioners

VERSUS

State of UT, Chandigarh

.... Respondent

2. CRM-M- 11937-2021 (O&M)

Seema

... Petitioner

Versus

State of UT, Chandigarh

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. K. K. Saini, Advocate
for the petitioners.

Mr. Abhinav Gupta, Addl. P.P., UT, Chandigarh.

JAISHREE THAKUR, J.(Oral)

1. This common order of mine shall dispose of both the above mentioned petitions as they are arising out of the same FIR.

2. The petitions have been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail to the petitioners in FIR

No. 01 dated 08.01.2021 registered under Sections 498-A, 406 of Indian Penal Code at Women Police Station Sector 17, Chandigarh.

3. Learned counsel for the petitioners would contend that the petitioners, who are the Jethani and parents-in-law of the complainant have been falsely implicated in the present case. It is also submitted that pursuant to orders dated 12.03.2021 and 19.03.2021, the petitioners have joined investigation. It is also contended that nothing is to be recovered from them.

4. Learned State counsel, on instructions from ASI Sudharshana, submits that in terms of orders dated 12.03.2021 and 19.03.2021, the petitioners have joined the investigation but some recoveries are yet to be effected.

5. Faced with this, learned counsel for the petitioners would contend that the recoveries had already been effected at the time when Salman- the husband of the complainant was arrested, who is now on regular bail.

6. I have heard learned counsel for the parties and have perused the file.

7. It has been held in '*Bhupinder Singh etc. vs. State of Punjab, 2014(2)RCR (Criminal) 109* that bail cannot be denied only on the ground that recoveries have not been effected. However, the question whether the recoveries have been made or not would be a matter of trial.

8. In view of the facts that the petitioners are not required for custodial interrogation and have joined the investigation, without

commenting on the merits of the case, both the petitions are allowed and orders dated 12.03.2021 and 19.03.2021 granting interim bail to the petitioners are made absolute subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

15.09.2021

seema goran

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No