

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

204

(Through Video Conferencing)

CRM-M-8177-2019

Date of decision: 02.12.2021

Chayan Malhotra

.....Petitioner

Versus

State of Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Ruchi Gupta, Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, APP, U.T., Chandigarh
for respondent No.1-U.T.

Mr. Satyaveer Singh, Advocate
for respondent No.2.

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.35 dated 02.02.2019 under Sections 406 and 498-A IPC registered at Police Station Women, Chandigarh.

As per the report received from the Mediation and Conciliation Center, the parties have failed to arrive at an amicable settlement.

Learned counsel for the petitioner submits that in compliance of order dated 26.02.2019, the petitioner has joined investigation and cooperated with the investigating agency. Learned counsel submits that the FIR in question emanates from a marital discord between the petitioner and his wife i.e. respondent No.2-complainant. While inviting the attention of this Court to the FIR in question, learned counsel submits that it is evident from a perusal of the

allegations levelled in the FIR in question that no demand was ever made by the petitioner with respect to any dowry item nor any jewellery entrusted to him. She has submitted that the mother of the petitioner has since been extended the concession of bail vide order dated 20.08.2021.

Per contra, learned Addl. Public Prosecutor assisted by learned counsel for respondent No.2 has not been able to dispute the factum of the petitioner joining investigation, however, they have opposed the prayer and submissions made by counsel opposite by contending that recovery of the gold ornaments which were given to the complainant at the time of her marriage have yet not been effected.

When a pointed query was put to learned Addl. Public Prosecutor as to what was the entrustment of jewellery to the petitioner, he failed to show any such entrustment but submitted that the jewellery was entrusted to the petitioner's sister, Nishtha.

I have heard learned counsel for the parties and perused the material on record including the FIR in question.

A perusal of the FIR in question reveals that entrustment of the gold ornaments was only to the sister-in-law of the complainant i.e. Nishtha and there was no entrustment reflected of any dowry articles much less of gold jewellery to the petitioner.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and interim order dated 26.02.2019, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

02.12.2021

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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