

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

201

**CRM-M-8529-2019
Decided on : 22.12.2021**

Samittar Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Prateek Pandit, Advocate
for the petitioner(s).

Ms. Bhavna Gupta, DAG, Punjab
assisted by ASI Baljinder Singh.

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. 103, dated 08.12.2018, lodged under Sections 406, 498-A of IPC, registered at Police Station Begowal, District Kapurthala (Annexure P-1).

Learned counsel for the petitioner submits that in compliance of order dated 08th September, 2021, of this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel on instructions from ASI Baljinder 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 1.5 tolas of gold ornaments is yet to be effected and hence his custodial interrogation would be required.

I have heard learned counsel for the parties and perused the

material on record.

On a pointed query put to the learned State counsel as to what was the specific entrustment of gold ornaments to the petitioner in the FIR in question, she has very fairly conceded that there was no such specific entrustment reflected in the FIR in question, *qua* the petitioner.

Mere non-recovery of some disputed dowry items cannot thus be a ground to deny the concession of anticipatory bail to the petitioner. The instant petition is allowed and interim order dated 08th September, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 22, 2021

J.Ram

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