

201(2)

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

(1)

CRM-M-13162-2017(O&M)

Date of Decision: 15.09.2021

Kanwaljeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(II)

CRM-M-16531-2017(O&M)

Date of Decision: 15.09.2021

Avtar Singh and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner in both petitions.

Mr. A. S. Gill, Sr. DAG, Punjab.

Mr. Vibhor Bansal, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

By way of this order I propose to dispose of the aforesaid two
petitions arising out of same FIR.

These petitions have been filed under Section 438 Cr.P.C., for

grant of anticipatory bail to the petitioners in case FIR No.62 dated 17.03.2017 under Sections 406 and 498-A IPC registered at Police Station Dera Bassi, District SAS Nagar (Mohali), who are none other than the husband, father-in-law and mother-in-law of the complainant, respectively..

Learned counsel for the petitioners would contend that the marriage of petitioner Kanwaljeet Singh and the complainant had been solemnized as far back as 19.06.2016. The husband-petitioner had earlier preferred a petition under Section 10 of the Hindu Marriage Act seeking a decree of judicial separation, however, the same was withdrawn during the mediation process. It is contended that despite several attempts, the dispute between the parties, could not be settled.

Learned counsel for the complainant submits that the dispute could have been settled if the petitioners herein had made a concrete proposal which proposal never came forth. It is also submitted that though the petitioners have joined the investigation, the entire gold articles have not been recovered so far, as would be evident from the order dated 11.02.2012 wherein an amount of Rs. 6 lacs apart from 11 ½ Tola of gold items were to be recovered. He further contends that during the pendency of the proceedings, no maintenance has been paid.

Learned State counsel, on instructions, would submit that petitioners have joined the investigation though the entire dowry articles have not been recovered from the petitioners.

I have heard counsel for the parties and have also perused case file.

The instant petitions are pending in this Court since the year

2017 and the mediation process has failed. The matter stands investigated and the petitioners have joined the investigation. As far as the question of recovery of dowry articles is concerned, bail cannot be denied merely on this ground. In *Rajesh Sharma vs State of UP and others, 2017 (3) RCR (Criminal) 836*, it was held by the Apex Court that the recovery of dowry items may not by itself be a ground for denial of bail. Proceedings under Section 406, 498 A IPC are not meant for recovery of jewellery and dowry articles.

In view of the above, without commenting on the merits of the case, both the petitions are allowed and order dated 20.04.2017 granting interim bail to the petitioners is made absolute subject to the conditions laid down in Section 438 (2) Cr. P. C.

15.09.2021
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(JAISHREE THAKUR)
JUDGE

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