

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

213

**CRM-M-12170-2021
Decided on : 14.12.2021**

Raj Kumar

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Avtar S. Khinda, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Jaswinder 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. 25, dated 15.02.2021, lodged under Sections 498-A, 406, 34 of IPC, registered at Police Station Subhanpur, District Kapurthala (Annexure P-1).

Learned counsel for the petitioner submits that in compliance of order dated 13th September, 2021, of this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel on instructions from ASI Jaswinder 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 one gold chain and dining table is yet to be effected.

I have heard learned counsel for the parties and perused the material on record.

No doubt, in case the accused does not cooperate with the investigating agency, an adverse inference can be drawn against him, however, the State must spell out as to in what manner the accused has failed to cooperate with the investigating agency. Mere non-recovery of some disputed dowry items cannot by itself be a ground for denial of bail as has also been observed by the Hon'ble Supreme Court in case ***Writ Petition (Civil) No. 73 of 2015, titled as, "Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice' decided on 14.09.2018.***

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and interim order dated 13th September, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 14, 2021

J.Ram

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