

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

CRM-M-10191-2019(O&M)

Date of Decision: 03.09.2021

(Heard through VC)

Lakhbir Singh

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr.B. S. Loomba, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.64 dated 03.06.2018 under Sections 498A and 406 IPC, registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and on the direction of this Court, has joined the investigation. It is also contended that nothing is to be recovered from him.

Learned State counsel, on instruction of ASI Gurmukh Singh, would submit that petitioner has joined the investigation though the entire dowry articles have not been recovered from the petitioner.

At this stage, learned counsel for the complainant would submit that apart from the recovery of the dowry articles, the petitioner would not be entitled to grant of interim bail as he has solemnized another marriage and this fact has not been disclosed by him in the present petition.

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

The matter has been investigated and the petitioner has joined the investigation in pursuance of the order dated 01.11.2019, under Sections 498A, 406 and 494 IPC. As far as the question of recovery of certain 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. In ***Pritpal Singh versus State of Punjab and others, 2014 (5) RCR(Criminal) 771***, it was held by this High Court that anticipatory bail could not be refused on the ground that some articles were still to be recovered. Proceedings under Section 406, 498 A IPC are not meant for recovery of jewellery and dowry articles.

In view of the facts that the matter has been investigated and petitioner has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 01.11.2019 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438(2) Cr. P. C..

03.09.2021

Riya

Whether speaking/reasoned :
Whether Reportable :

(JAISHREE THAKUR)

JUDGE

Yes No
Yes No