

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13818-2021
Decided on : 07.12.2021

Parvinder Singh

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Mohit Rathi, Advocate
for respondent No.2.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.263 dated 06.11.2020 under Sections 201, 313 (deleted later on), 323, 377 (deleted later on) 498-A, 506 IPC 1860 registered at Police Station Saha District Ambala.

Learned counsel for the petitioner states that in compliance of order dated 18.08.2021, petitioner has joined the investigation and cooperated with the investigating agency.

Learned State counsel assisted by counsel for the complainant has not disputed the factum of the petitioner having joined the investigation. She, however, on instructions from ASI Sakil Mohd. states that the recovery of all dowry articles except a motorcycle have been effected from the petitioner. She further however, submits that during investigation, the petitioner stated before the investigating agency that the motorcycle had been purchased by the father of the complainant with the money, which was

given to him by the petitioner himself. In support, learned counsel has invited the attention of this Court to the contents of the FIR to urge that no allegation of demand much less entrustment of a motorcycle stands reflected therein, which in turn supports his contentions that the motorcycle was purchased by the petitioner with his own money.

Learned counsel for the complainant has, however, controverted the submissions made by the counsel for the petitioner qua the petitioner having paid money to the father of the complainant for the purchase of motorcycle.

Heard.

Mere non-recovery of a motorcycle from the petitioner cannot be a ground to deny him the concession of anticipatory bail, more so, when the entrustment of the same to the petitioner itself is disputed. Needless to add, all the disputed questions of fact would be considered and appreciated when the respective parties lead their evidence before the trial Court.

In the facts and circumstances, as enumerated hereinabove, the petition is allowed and interim order dated 18.08.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

07.12.2021
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No