

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

102+206

CRM-M-11381-2020 (O&M)

Date of decision: 01.12.2021

Jaspreet Singh Vij

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for respondents No.1 to 4-State.

Mr. Sandeep Arora, Advocate
for respondent No.5.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-40929-2021

Prayer in this application is for placing on record affidavit
of the petitioner.

For the reasons mentioned in the application, the same is
allowed and the affidavit of the petitioner is taken on record subject to
all just exceptions.

CRM-M-11381-2020

The present petition has been filed under Section 438
Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR
No.0133 dated 29.12.2019 under Sections 406 and 498-A IPC
registered at Police Station Women Cell at Jalandhar City.

Learned counsel for the petitioner submits that in
compliance of order dated 18.03.2020/23.08.2021, the petitioner has
joined investigation and cooperated with the investigating agency.

Learned counsel has reiterated that the petitioner is no longer in possession of any of the dowry articles much less gold ornaments of respondent No.5 as she had already taken them along when she left her matrimonial home. Learned counsel has submitted that the petitioner is still willing to compensate respondent No.5 to the tune of Rs.2,25,000/- in lieu of the gold ornaments which were allegedly left behind by her in the matrimonial home even though he is no longer in possession of the same.

Learned State counsel assisted by learned counsel for the complainant i.e. respondent No.5 while opposing the prayer and submissions made by counsel opposite, has submitted that no doubt the petitioner has joined investigation in compliance of order dated 18.03.2020/23.08.2021, however, the petitioner has not cooperated as recovery of some gold ornaments 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 ***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.

However, as per undertaking given by learned counsel for

the petitioner, he shall deposit an amount of Rs.2,25,000/- before the trial Court within one week from today which shall be kept in a FDR till the final disposal of the trial.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and interim order dated 18.03.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

01.12.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No