

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-11412-2019
Decided on : 16.12.2021

Mandeep Hans

..... Petitioner

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Bedi, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. J.P.Jangu, Advocate
for the complainant.

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.88 dated 14.02.2019 under Sections 498-A, 323, 406, 506 and 34 IPC 1860 registered at Police Station Model Town District Rewari.

Learned counsel for the petitioner states that on account of a marital discord between the parties, FIR in question was registered against the petitioner. He further submits that pursuant to orders dated 13.03.2019 and 13.02.2020 passed by this Court, the petitioner has joined investigation and all the dowry articles which were in his possession stand returned to the complainant.

Learned State counsel assisted by counsel for the complainant, on instructions from Insp. Kabul Singh does not dispute the factum of petitioner having joined the investigation. She however, on further instructions states recovery of some gold ornaments qua which bills had

been supplied to the investigating agency, has not yet been effected.

Learned counsel for the petitioner has, however, vehemently controverted the factum of being in possession of any more dowry articles including jewellery of the complainant.

Heard.

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 view of the above, the petition is allowed and interim orders dated 13.03.2019 and 13.02.2020 are made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

16.12.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No