

CRM-M- 13698-2020 (O&M)

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

CRM-M- 13698-2020 (O&M)

**Date of Decision: 24.09.2021
(Heard through VC)**

Gurpreet Singh

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Rishabh Gupta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab

Mr. Aman Dhir, Advocate for the complainant.

JAISHREE THAKUR, J.(Oral)

CRM-29924-2020

Application is allowed.

Annexures P-4 to P-6 are taken on record .

Main Case

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 15 dated 12.03.2020 under Sections 498-A, 406 IPC registered at Police Station

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Women Bathinda.

At the very outset, learned counsel for the petitioner contends that the mediation between the parties has failed. It is also argued that in terms of order dated 02.06.2020, the petitioner has joined the proceedings before the Investigating Officer and all dowry articles along with *Istridhan* in his possession have been handed over. It is also contended that nothing is to be recovered from the petitioner.

At this stage, counsel appearing on behalf of the complainant would rely upon the status report and the orders passed by this Court, wherein it has been noted that the recovery of one gold set is yet to be recovered.

Faced with this, learned counsel for the petitioner would contend that there is CD available, which would reflect that the alleged gold set was taken away by the complainant at the time of leaving the matrimonial home as she was wearing the same. It is also submitted that the State counsel was to verify the fact about the recoveries.

Learned State counsel, on instructions, would submit that petitioner has joined the investigation though the entire dowry articles have not been recovered from the petitioner.

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

The instant petition is pending in this Court since the year 2020 and the mediation has failed. The matter stands investigated and the petitioner has joined the investigation. As far as the question of recovery of

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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 view of the above, without commenting on the merits of the case, the petition is allowed and order dated 02.06.2020 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 (2) Cr. P. C.

24.09.2021

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**(JAISHREE THAKUR)
JUDGE**