

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

**CRM-M-17713-2021(O&M)
Date of Decision: 17.09.2021
(Heard through VC)**

Ahsaas Chugh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Ritu Punj, Advocate
for the petitioner

Mr. A. S. Gill, Sr. DAG, Punjab.

Mr. Shivaiei Rattan, 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 petitioners in case FIR No.40 dated 08.03.2021 under Sections 498A, 406 IPC, registered at Police Station Women, Ludhiana.

Learned counsel for the petitioner herein would submit that the petitioner had asked for mediation and in order to show his bona fide, was willing to deposit an amount of Rs. 1 lacs in the name of his child towards maintenance and also deposit an amount of Rs. 5 lacs by way of Demand Draft in the name of the Registrar of this Court. Pursuant to said offer, an amount of Rs. 1 lac has been handed over to the complainant and

the amount of Rs. 5 lacs has also been deposited in the registry. The parties appeared before the Mediation and Conciliation Centre of this Court where it seems that the mediation process has not been fruitful.

Learned counsel for the petitioner would submit that petitioner Ahsaan Chugh has joined the investigation pursuant to the directions of this Court and therefore, prays for grant of anticipatory bail.

At this stage, learned counsel for the complainant would submit that the petitioner did not co-operate during the mediation process and that is why the mediation has failed and dowry articles are yet to be recovered.

Learned State counsel, on instructions from ASI Ashwani Kumar, would submit that though the petitioner has joined the investigation, dowry articles are yet to be recovered.

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

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. Proceedings under Section 406, 498 A IPC are not meant for recovery of jewellery.

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 30.04.2021 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 (2) Cr. P. C. However, the amount of Rs. 5 lacs lying with the

Registrar of this Court be transferred to the trial Court to be handed over to the complainant in case she is successful in the proceedings under FIR otherwise the same be refunded to the petitioner.

17.09. 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No