

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

CRM-M-31151-2018(O&M)

Date of Decision: 15.09.2021

Kanika Sharma

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sushil Gautam, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Non for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439(2) Cr.P.C., for cancellation of anticipatory bail allowed to respondent No. 2 by this Court, vide order dated 01.05.2018 in case FIR No.14 dated 08.06.2017 under Sections 323, 377, 406, 498A and 506 IPC registered at Police Station Quilla, Panipat.

Learned counsel for the petitioner herein would submit that during the pendency of the proceedings in the High Court respondent No.2 had agreed to take back the petitioner to his matrimonial home but that promise was never kept. It is also argued that there was an order for depositing the sum of Rs. 2 lacs before the Chief Judicial Magistrate, Panipat within four weeks on receipt of the certified copy of the said order.

However, that order too was not complied with and the deposit was not made on time. He further contend that recoveries of the gold jewellery/dowry articles have not been effected so far.

Learned State counsel would submit that interim anticipatory bail to the petitioner was confirmed by an order dated 01.05.2018. It is submitted that in fact matter already stands investigated and the challan stands presented.

I have heard both the parties and have perused the pleadings of the case.

The petitioner herein is seeking cancellation of bail allowed to respondent No. 2 as far back as 01.05.2018. By the said order respondent No. 2 had been directed to deposit an amount of Rs. 2 lacs before the Chief Judicial Magistrate, Panipat which deposit was without prejudice to his rights. The Co-ordinate Bench while allowing the anticipatory bail, had taken note of the fact that the complainant had refused to accept the dowry articles in question while stating that she would receive the said articles at Gurugram and not at Panipat.

On perusal of the impugned order, I found that there is no infirmity in the order so passed regarding confirming the order of interim anticipatory bail allowed to respondent No. 2. 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 and

dowry articles.

Moreover, it seems that respondent No. 2 has deposited an amount of Rs. 2 lacs, though the same was done late. That itself would not be a ground to cancel the bail.

Consequently, finding that the petitioner has not violated any of the terms and conditions of the bail order, I see no ground to cancel the anticipatory bail granted to respondent No. 2.

Dismissed.

15.09.2021

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(JAISHREE THAKUR)
JUDGE

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