

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 02.09.2021
(Heard through V.C.)

1. CRM-M-31316-2018 (O&M)

Pratik Chawla

... Petitioner

VERSUS

State of U. T., Chandigarh

.... Respondent

2. CRM-M-31324-2018 (O&M)

Ram Mohan Chawla

... Petitioner

VERSUS

State of U. T., Chandigarh

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Ms. Surabhi Chopra, Advocate
for the petitioner in both petitions.

Ms. Vasundhara Anand Dalal, APP, UT, Chd.

Mr. Vipul Sharma, Advocate
for the complainant.

JAISHREE THAKUR, J.(Oral)

1. By this common order, this Court proposes to dispose of the

above said two petitions filed by the petitioner Prateek Chawla husband of the complainant Shweta Chawla, and Ram Mohan Chawla, father-in-law of the complainant seeking anticipatory bail in FIR No. 15 dated 08.03.2018 registered under Sections 406, 498-A IPC at Police Station Women, Chandigarh.

2. Learned counsel for the petitioner appearing on behalf of the petitioner herein would contend that the mediation has failed between the parties and pursuant to order dated 25.07.2018, both parties have joined the investigation.

3. Learned counsel for the respondent-State would submit that though the parties have joined the investigation, there are still recoveries to be effected of gold items as well as other dowry items, which fact is disputed by counsel for the petitioner while contending that the complainant took the same when she left the matrimonial home.

4. Learned counsel for the complainant would also submit that the conduct of the petitioner is such that he is not making payment of arrears under the Protection of Women from the Domestic Violence Act which statement is again countered by counsel for petitioner, who submits that regular payments have been made and that the petitioner undertakes to clear all arrears of maintenance pending till date and would continue to pay maintenance regularly as assessed in the appeal pending before the Additional Sessions Judge, Chandigarh.

5. Learned counsel for the complainant again controverts the statement made by counsel for the petitioner that regular payments of arrears have been made by the petitioner herein.

6. Be that as it may, in view of the fact that the petitioners have joined the investigation and the FIR pertains to the year 2018, the anticipatory bail cannot be denied merely on the ground that recoveries have not been effected as it is the matter of trial.

7. I have heard learned counsel for the parties and have perused the file.

8. It has been held in the judgment '*Bhupinder Singh etc. vs. State of Punjab, 2014(2)RCR (Criminal) 109*' that bail cannot be denied only on the ground that recoveries have not been effected.

9. In view of the facts that the matter has been investigated qua the petitioner and he has already joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 25.07.2018 granting interim bail to the petitioners is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure.

10. Needless to say, it is made clear that even after making the order dated 25.07.2018 granting interim bail to the petition absolute, the petitioners will be bound by the undertaking as given in the Court today.

11. Other miscellaneous applications, if any, pending on date are disposed of accordingly.

02.09. 2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No