

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

216

**CRM-M-25239-2021
Decided on : 29.11.2021**

Subhash Chand

... Petitioner(s)

Versus

State of U.T. Chandigarh

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Nitish Kumar Vasudeva, Advocate, for the petitioner(s).

Mr. Charanjit S. Bakshi, APP, UT Chandigarh.

Mr. Gautam Kaile, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 49, dated 19.06.2020, lodged under Sections 498-A, 406 of IPC, registered at Police Station Women Police Station, Chandigarh (Annexure P-1).

Learned counsel for the petitioner submits that pursuant to order dated 06th July, 2021, passed by this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant does not dispute the factum of the petitioner having joined investigation. However, it has been submitted that the petitioner did not cooperate in returning a few gold ornaments of the complainant, which were still in his possession. Hence, the custodial interrogation of the petitioner would be required.

Learned counsel for the petitioner on the other hand has

strongly controverted the submissions made by learned State counsel and learned counsel for the complainant by reiterating that all the Istridhan as well as all the jewellery were always in the custody of the complainant and the FIR in question had been registered by her with an oblique motive to harass him, as the complainant was having illicit relations and thus unhappy in her marriage with the petitioner.

Heard and perused the material on record.

Learned State counsel has failed to satisfy this Court as to why the custodial interrogation of the petitioner would be required, as most of the articles stand recovered and merely non-recovery of few gold ornaments, cannot be a ground to deny the petitioner the concession of anticipatory bail, more so, when the learned counsel for the petitioner has disputed being ever in possession of them.

Resultantly, the petition is allowed and interim order dated 06th July, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2021

J.Ram

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