

213(2)

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

(I)

CRM-M-21060-2020(O&M)

Date of Decision: 02.09.2021

(Heard through VC)

Komal

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

(II)

CRM-M-21098-2020(O&M)

Date of Decision: 02.09.2021

(Heard through VC)

Komal

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Bhasin, Advocate
for the petitioner in both petitions.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Sherry Singla, Advocate,
for the complainant/respondent No.2 in both petitions.

JAISHREE THAKUR, J. (Oral)

The instant petitions have been filed under Section 438 Cr.P.C.,
for cancellation of bail granted to Jiwanjot @ Jiwan Lata respondent No. 2
in CRM- M- 21060- 2020 and Pawan Kumar Garg, respondent No. 2 in
CRM-M-21098-2020 vide orders dated 03.12.2019 and 07.12.2019 by
learned Additional Sessions Judge, Bhatinda in case FIR No.66 dated

18.11.2019 under Sections 498-A, 406, 354 and 34 IPC registered at Police Station Women Cell, Bhatinda, District Bhatinda, who are none other than the mother-in-law and father-in-law of the petitioner-Komal, respectively.

On account of matrimonial dispute that arose between the parties, the said respondents applied for grant of anticipatory bail before the Additional Sessions Judge, Bhatinda, who allowed the said respondents to join the investigation. The Investigating Officer made a statement that though they had joined the investigation recoveries were yet to be effected from the said accused/respondents, however, the Additional Session Judge, Bhatinda while relying upon the judgment rendered in ***Bhupinder Singh etc. Vs State of Punjab 2014 (2) RCR (Criminal) 109*** while taking note of the fact that the recovery was yet to be effected and that the respondents had not cooperated, confirmed their interim anticipatory bail orders by the orders dated 03.12.2019 and 07.12.2019, respectively.

Learned counsel for the petitioners prays for cancellation of the said bail by relying upon the judgment rendered in case ***Hanuman Satedwal vs State of Rajasthan 2016 ALL SCR (CRL.) 1711***.

On the other hand, learned counsel for respondent No. 2 would submit that merely because recoveries of dowry articles have not been effected that would be no ground for cancellation of the bail orders, since there has been no violation of the terms and conditions as imposed under Section 438 (2) Cr. P.C. It is also argued that in fact recoveries had already been effected. He would rely upon the order passed in **CRM-M-52935-2019** in which the anticipatory bail of the husband of the petitioner stands confirmed.

On the asking of the Court, learned State counsel is not able to

point out if the respondents herein have violated any terms and conditions of the bail order dated 03.12.2019.

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

On perusal of the impugned orders, I found that there is no infirmity in the orders so passed by the Additional Sessions Judge, Bhatinda, confirming the orders of interim anticipatory bail allowed to respondents namely Jeevanjot @ Jeevan Lata and Pawan Kumar Garg. Bail cannot be denied to the said respondents merely on account of the fact that the dowry articles have not been recovered. 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, this Court had an occasion to deal with the bail application of the husband namely Ravinder Garg, of the complainant/Komal in CRM-M-52935-2019, today itself. The anticipatory bail of the Ravinder Garg petitioner therein was confirmed after taking into account that he had handed over the Beleno Car as would be evident from the recovery memo annexed with the said petition, as also taking into account the statement given by the Investigating Officer that an amount of 10 lacs, 24 tola of gold jewellery and certain clothes had been recovered. Therefore, there is substantial recovery of the dowry articles. The rest would be the matter of trial.

Consequently, finding that the private respondents have not violated any of the terms and conditions of the bail orders so passed, I see no ground to cancel the anticipatory bail granted to them.

Both the petitions stand dismissed.

02.09.2021
Riya

(JAISHREE THAKUR)
JUDGE

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