

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.49087 of 2018 (O&M)

Date of Decision:19.08.2021

(Heard through VC)

Kamlesh Dhiman

..Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Uday Chauhan, Advocate
for the petitioner.

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

Mr. Sanjiv Sheoran, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.371 dated 09.10.2018 under Sections 406, 498-A IPC registered at Police Station Zirakpur, District SAS Nagar, Mohali.

2. By an order dated 02.11.2018, this Court had granted interim bail to the petitioner and directed him to join investigation.

3. Learned counsel appearing for the petitioner would contend that pursuant to order dated 02.11.2018, the petitioner has joined investigation.

4. Learned counsel appearing on behalf of the respondent-State on instructions from IO submits that though the petitioner has joined investigation, recovery of some jewellery items is yet to be effected.

5. I have heard learned counsel for the parties.

6. It has been held in the judgment rendered in ***Bhupinder Singh etc. Vs. State of Punjab 2014 (2) CRCR (Criminal) 109*** that bail cannot be denied only on the ground that recoveries have not been effected. Moreover, the issue of recovery of dowry articles is a matter of trial. In view of the fact that the petitioner has joined investigation, the instant petition is allowed and the order dated 02.11.2018 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

August 19, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No