

202.

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

CRM-M-50335-2018

Date of Decision: 26.08.2021

(Heard through VC)

GAURAV ARVIND SOLANKI

.... Petitioner

Versus

STATE OF HARYANA & ANR.

.... Respondents

II. CRM-M-24435-2018

GAURAV ARVIND SOLANKI

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Sharma-I, Advocate, for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. P.S. Jammu, Advocate, for the complainant.

JAISHREE THAKUR.J (Oral)

1. The instant petitions have been filed by the petitioner-Gaurav Arvind Solanki, under Section 438 Cr.P.C. for grant of anticipatory bail in two different FIRs. CRM-M-50335-2018 has been filed for grant of anticipatory bail in FIR No.093 dated 28.03.2018, under Sections 406, 498-A, 506 of IPC, Police Station Kheripul, District Faridabad, and CRM-M-24435-2018 in FIR No.122, dated 25.04.2018, under Sections 323, 380, 454, 506 IPC, Police Station Kheripul, District Faridabad.

2. Counsel appearing on behalf of the petitioner would contend that pursuant to the orders of this Court, the petitioner has joined investigation and also participated in the mediation process, however, mediation between the parties has failed, as no settlement was arrived at, whereas learned counsel for the respondent-complainant would submit that the petitioner herein has taken away the certificates of the educational testimonials of the complainant as well as the dowry articles and that is why a separate FIR No.122, dated 25.04.2018 was registered against him. As on date, there is no recovery for the same. It is also argued that the father of complainant had purchased a booth in the name of the mother of the petitioner and the same needs to be transferred back in the name of either the father or the complainant herself.

3. I have heard learned counsel for the parties.

4. As regards the statement that has been given that the petitioner herein had stolen the educational testimonials of the complainant and the cash etc. lying in the cupboard which has been caught at the CCTV footage, the same would be a matter of trial. This matter is pending in this Court since 2018 and as on date because the challan has not been presented, no proceedings are carrying on.

5. Considering the fact that it would be a matter of trial as has been held by this Court in the judgment rendered in ***Bhupinder Singh etc. Vs. State of Punjab 2014 (2) RCR (Criminal) 109*** that once a person has joined investigation, bail cannot be denied only on the ground that recoveries have to be effected, the petitioner having joined investigation, the instant petitions are allowed and the order dated 16.11.2018 passed in CRM-

M-50335-2018 and order dated 31.05.2018 passed in CRM-M-24435-2018 granting interim bail to the petitioner, are made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

(JAISHREE THAKUR)
JUDGE

26.08.2021

sanjeev

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