

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

CRM-M-6255-2018
Decided on : 23.11.2021

Harsh Madhok

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Rai, Sr. Advocate with
Mr. Amit Jhanjhi, Sr. Advocate with
Mr. Abhinav Sood, Advocate
Ms. Rubina Virmani, Advocate and
Mr. Anmol Gupta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Puneet Bali, Sr. Advocate with
Mr. Sachin Jain, Advocate and
Mr. Vishavjeet, Advocate for respondent No.2.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.109 dated 14.12.2017 under Sections 498-A, 406, 323, 341 and 294 IPC 1860 registered at Police Station Women Cell District Ludhiana.

Learned senior counsel for the petitioner states that on account of a marital discord between the parties, FIR in question was registered against the petitioner. He submits that though the parties were referred to Mediation and Conciliation Centre at Hon'ble Supreme Court, however, they failed to arrive at an amicable settlement. He further submits that pursuant to order dated 14.02.2018, passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Ashwini Kumar does not dispute the factum of the petitioner having joined the investigation.

She submits that recovery of some dowry articles, which also includes some gold jewellery has not yet been effected. She, however, on instructions submits that the petitioner is not required for further investigation much less custodial interrogation.

Learned senior counsel for the complainant has opposed the prayer of the counsel opposite in the wake of serious allegations levelled against him of subjecting the complainant to maltreatment. It has also been submitted that since recovery of gold jewellery has not yet been effected, the prayer of the petitioner for grant of anticipatory bail be declined.

Learned senior counsel for the petitioner, on the other hand, has vehemently disputed the submissions made by learned State counsel as well as counsel for the complainant by submitting that all the jewellery, which was in his possession stands duly returned to the complainant. He has also submitted that it was a matter of record that all the jewellery which was lying in the joint locker of the complainant and the petitioner, had been taken away by the complainant when the locker was opened in the presence of both the parties. It has been submitted that now he is no longer in possession of any dowry article, much less any more gold jewellery of the complainant.

Heard learned counsel for the parties and perused the material available on record.

Admittedly, an attempt was made to get the dispute between the parties amicably settled by referring them to the Mediation and Conciliation Centre at Hon'ble Apex Court, which however was unsuccessful.

Demand and entrustment of dowry as alleged in the FIR in question is a matter to be adjudicated upon and appreciated during trial when both the parties would adduce their respective evidence.

Considering the instructions received by the learned State counsel that the petitioner had joined investigation and also returned substantial amount of dowry articles including gold jewellery, the present petition is allowed and interim order dated 14.02.2018, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

23.11.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No