

**201/1            IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-6275-2018  
Decided on : 23.11.2021

Deepak Madhok and ors.

..... Petitioners

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 petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

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

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**Manjari Nehru Kaul, J.**

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners 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 petitioners states that on account of a marital discord between the husband (son of petitioners No.1 and 2) and the complainant, FIR in question was registered against the petitioners. 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 petitioners have joined the investigation.

Learned State counsel on instructions from ASI Ashwini Kumar does not dispute the factum of the petitioners 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 petitioners are 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 them 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 petitioners for grant of anticipatory bail be declined.

Learned senior counsel for the petitioners, 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 their 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 her husband (son of petitioners No.1 and 2), 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 they are 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 petitioners 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